



Yule Donation
No. 84.



Contents.

1. Statement of the Claim of Thomas Drummond to the Earldom of Perth.
2. Sequel to the Statement.
3. Case of Thomas Drummond.
4. Subscription Paper for Thomas Drummond.
5. Case for Thomas Drummond in the House of Peers.



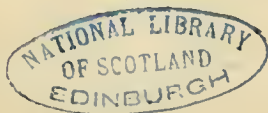
AN
INTERESTING
STATEMENT OF THE CLAIMS
OF
THOMAS DRUMMOND,
OF
NEW PENSHAW, NEAR HOUGHTON-LE-SPRING,
IN THE
COUNTY OF DURHAM,
TO THE
ANCIENT HONOURS & ENTAILED ESTATES
OF THE
EARLDOM OF PERTH.

Interspersed with copious Memoirs of the
MOST NOBLE HOUSE OF DRUMMOND,
WHICH INCLUDE MANY OF THE MOST IMPORTANT
AND INSTRUCTIVE PORTIONS OF
Scottish History.

The whole being founded on authentic Documents.



NEWCASTLE UPON TYNE:
PRINTED BY MACKENZIE AND DENT,
1830.



Digitized by the Internet Archive
in 2011 with funding from
National Library of Scotland

ADDRESS.

THOUGH in a humble rank of life, yet by much industry and patience, I have at length procured the most conclusive and satisfactory evidence of the legality of my claims to the honours and estates of Perth. Being, in consequence, encouraged by the approbation of gentlemen eminent in knowledge, and influential in station, to adopt the proper parliamentary measures for purifying my blood and serving myself heir to my noble ancestors, I have, as one of the preliminary steps, laid my case before the public in the following pages, hoping that it may attract the attention of many other gentlemen who are not indifferent to an act of justice.

My grandfather, as is proved in this statement, was the late General James Drummond, (of the rebel army,) who fought at the battle of Culloden in 1745; and who was commonly called the Duke of Perth, though the family titles were forfeited in 1715. He was of a pacific, studious disposition, and excelled in mathematical and agricultural knowledge, but was drawn into the rebellion by persuasions of the Earl of Mar and other Jacobine Peers, and the entreaties of his noble mother, who declared, "that if he did not fight, like the other brave chiefs

of clans, for the royal House of Stuart, her curse would be his portion, and blight him and his posterity."

After the Stuart army was defeated at Culloden, he came to Biddick, on the river Wear, where he married, and where he died. My father was a quiet, unambitious and religious man, who was afraid to make known his claims: but at his death in 1822, I began to establish my pedigree, which I have effected with great labour and expence: and now, as before stated, I am adopting measures to have my blood purified, and to be restored (as has been done to several attainted peers involved in the same rebellion with my grandfather) to the forfeited titles of Earl of Perth, Lord Drummond, &c.: but, what is of more use to me, such an act of the king would, according to law, and as a matter of course, entitle me to be served heir male and of line to my ancestors the Earls and Duke of Perth, by which necessary process of law I would ultimately come into possession of the valuable family estates, settled, as aforesaid, on the *heirs male*, by an entail in 1713, &c.

Many interesting facts in Scottish history are incidentally elucidated in the following pages, which, I hope, will be found both amusing and instructive to the general reader.

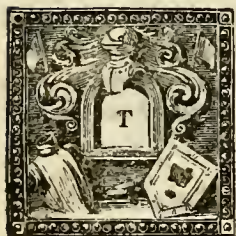
THOMAS DRUMMOND.

INTERESTING

STATEMENT OF THE CLAIMS

OF

THOMAS DRUMMOND.



THE illustrious House of "DRUMMOND" may date its origin from a very remote period of antiquity, and, whether we look at the exalted situation and high character of the individuals, the eminent station they have held in the very highest ranks of society, the alliances and connexions they have formed, not only with many Noble, but also with Royal Houses, added to the weight and influence that must have been derived from their great wealth and extensive possessions, they form altogether an instance of a union of rank, nobleness, and consequence, and all converging in one family, that is almost without a parallel.

The vicissitudes of human events, with the fluctuations in property, and the convulsions of nations and empires that have occurred during the last century, have combined to wrest these honours and that property from the hands of those who formerly enjoyed them in all their splendour, and place them in others that appear to be not legally or justly entitled to them:—to endeavour to recover these honours and possessions from the hands that now so hold them, and restore them to those which appear to be fairly and justly entitled to them, is the object of the present suit.

In the subjoined statement of the genealogy or pedigree of the "Drummond" family, it will be sufficient, perhaps, to give a kind of general abstract or analysis of it, from the time of the founder up to the period when the dignities and possessions came into the

hands of those who, by the transactions of their day, caused some change or difference to arise in the current of the titles and the property ;—this will be found to be about the time of “ James (Drummond) the fourth Earl of Perth,” who flourished in the reigns of King James II. &c. and died in the year 1716: from that period to the present time, the account of the family and the succession will be rendered with all possible amplitude and fidelity.

This genealogical account or pedigree has been gathered from records and general history, from books or accounts, and from such traditional or other information as could be obtained:—the statement is believed to be, in general, correct:—there are passages, however, (copied from printed books) in which it is known to be otherwise, but these will be noticed and explained in their proper places: this observation particularly applies to the accounts of the “ Drummond” family, inserted herein, and as contained in, and taken from, the two following works, viz.—

“ The Peerage of Scotland, containing a historical and genealogical Account of the Nobility of that Kingdom,” &c. &c.—“ By Sir Robert Douglas, of Glenbervie, Bart.—Second Edition. Revised and corrected, &c. &c. by John Philip Wood, Esq.—In two Volumes, folio.—Edinburgh, 1813.”

and

“ A genealogical Memoir of the most Noble and Ancient House of Drummond, and of the several branches that have sprung from it,” &c. &c.—“ By David Malcolm, A. M. (afterwards LL. D.) Octavo. “ Edinburgh, 1808.”

The first of this ancient family who settled in Scotland is said to have been “ Maurice,” a Hungarian, who, about the year 1067, accompanied Edgar Atheling (the rightful heir to the crown of England) and his sister, Margaret, in their flight from England (to escape the destruction that threatened them, from the power of their competitor, William, Duke of Normandy, who had now, by conquest, obtained the crown of England), and landed with them (after having encountered a dreadful tempest in the German Ocean) in Scotland, where they were kindly received by Malcolm Canmore, King of Scotland, at his palace of Dumfermline ;—the king was so struck with the beauty and accomplishments of Margaret, that he shortly afterwards married her, and made her Queen of Scotland. King Malcolm generously and liberally rewarded all those noble strangers who had accompanied the Prince Edgar Atheling and his sister Margaret, to Scotland, and, in an especial manner, shewed the kind feeling he entertained towards Maurice,

the Hungarian, to whose skill in seamanship was said to be owing the preservation of the lives of the royal party, in gratitude for which, Malcolm conferred upon him high honours and endowments, appointing him Seneschal, or Steward of Lennox, and assigning to him various lands, among the rest, the lands of "Drymen," or "Drummond," (in Stirlingshire) from which the family afterwards took its name;—the king also assigned to him, for his armorial bearing, three bars, wavy, or undy, gules, in allusion to his having been the successful conductor of Queen Margaret through the sea to Scotland. As a mark of Queen Margaret's esteem, Maurice Drummond received in marriage one of her maids of honour, and from their children are descended all the families of Drummond;—he died about 1093, and was succeeded by his eldest son, Malcolm Drummond, named after his master and benefactor, King Malcolm.

Malcolm Drummond, who, on the death of his father, Maurice, became second Thane of Lennox, died about 1130, leaving a son.

Maurice Drummond (named after his grandfather, the Hungarian) who again left male issue, that, in regular succession, came into possession of the titles and estates of the family, which appears to have increased, in honours and affluence, as one generation succeeded another;—some instances may be particularized:

Sir Malcolm Drummond, who succeeded about 1180.

Malcolm Beg Drummond succeeded about 1200;—he was of great note among the nobles of Scotland, and possessed of great wealth;—he lived to the age of ninety years.

Sir John Drummond succeeded about 1346,—married Mary Montefex, eldest daughter and co-heiress of Sir William de Montefex, Justiciar of Scotland, and chief of a great and ancient family;—by her he had four sons and four daughters;—the eldest son, Sir Malcolm Drummond, succeeded him;—his eldest daughter, Annabella Drummond, celebrated for her exquisite beauty, and distinguished merit, married, in 1377, the eldest son of the High Steward of Scotland, Earl of Carrick, Seneschal of Scotland, and heir apparent to the crown; on the death of King Robert II. he ascended the throne, as King Robert III. and was crowned, at Scoon, with his Queen, Annabella, in September, 1390;—they had two sons, and two daughters; David Stuart, the eldest son, Prince of Scotland, Duke of Rothsay, and Earl of Atholl and Carrick, died in 1401, without issue. James (the second son) succeeded to the crown of Scotland in 1406, by the style of King James I.;—he married Jane Seymour, daughter of the Earl of

Somerset, and died at Perth, in 1437, leaving a son, who became King of Scotland, by the style of King James II.

After another interval, we find Sir John Drummond, of Cargill and Stobhall, who succeeded to the family honours and estates in 1470;—in January, 1487-8, he was raised to the dignity of the Peerage, by the title of Lord Drummond:—in 1491 he built a strong castle, or mansion, to which he gave the name of Drummond Castle, and which has ever since been the chief seat of the family;—he died in 1519, having attained nearly the age of eighty, and was succeeded by his great grandson, David Drummond, the second Lord Drummond, but who, being very young, became the king's ward (King James V.) he died in 1571, and was succeeded by his eldest son, Patrick, third Lord Drummond, who died about 1600, and was succeeded by his eldest son, James, fourth Lord Drummond, and first Earl of Perth;—he was (by King James VI. of Scotland, and I. of England) created "Earl of Perth," by Patent, dated 4th March, 1605, to him and his heirs male whatsoever;—he enjoyed his honours for a short time only; he died at Seton, on the 18th December, 1611, in the 21st year of his age;—he was married, but had no sons, wherefore his estate and honours devolved upon his younger brother,

JOHN DRUMMOND,—SECOND EARL OF PERTH,—who succeeded to the title and estates, in 1611, on the death of his elder brother.—He was a nobleman of great learning and integrity, and of unshaken loyalty and attachment to his Sovereign, King Charles I. for which he suffered severely, by fines inflicted on him and his family, during the period of the usurpation of Cromwell;—he married Lady Jean Ker, eldest daughter of Robert, first Earl of Roxburgh, by whom he had four sons and two daughters;—he died in 1662, about the age of eighty, and was succeeded by his eldest surviving son.

JAMES DRUMMOND,—THIRD EARL OF PERTH,—succeeded his father in 1662,—was served heir male of him in his property in the counties of Perth and Forfar, 23d September, 1662, and in general of him the 29th of the same month. He married, in 1639, Lady Anne Gordon, eldest daughter of George, second Marquis of Huntly, and had issue two sons, and one daughter. The sons were—1, James Drummond, (who succeeded as his heir) fourth Earl, and afterwards Duke, of Perth,—and,—2. John Drummond, of Lundin, Earl, and afterwards Duke, of Melfort. By these two sons, the house of Drummond divided into two branches,—the Perth Ducal Branch, carried on by the elder son, James,—and

the Lundin, or Melfort Ducal Branch, carried on by the younger son, John.

He died 2d June, 1675, and was succeeded by his eldest son, James Drummond, fourth Earl, and afterwards Duke, of Perth.

JAMES DRUMMOND, FOURTH EARL, and afterwards (first) DUKE OF PERTH,—born 1648,—succeeded his father in 1675.—He was served heir male of his father 1st October, 1675.

This distinguished nobleman, born to high rank, possessing great wealth, and standing high in the favour of his Sovereign and relative, and endowed, moreover, by nature, with extraordinary talents, makes a conspicuous figure in the annals of the period in which he lived;—he received the first rudiments of instruction under the pious and attentive care of a most excellent and accomplished mother, and, in due time, was sent to the university of St. Andrew, where he went through a course of philosophy, after which he visited France, and remained for a considerable time at Paris, where he pursued his studies, and became distinguished for his exemplary deportment, and high attainments in literature and science. After his return to his native country, he married (first)—18th January, 1670, Lady Jean Douglas, fourth daughter (by his second marriage, with Lady Mary Gordon) of William, first Marquis of Douglas;—by this lady he had one son,—“James, Lord Drummond,” (commonly designated “Marquis of Drummond,” &c.—who succeeded him, and of whom more hereafter)—and two daughters: his lordship married, (secondly)—in 1679, Lillias Drummond, daughter of Sir James Drummond, of Machanry, and relict of William, fifth Earl of Tullibardine;—by her he had issue, three sons and one daughter—the eldest son by this marriage was the Hon. John Drummond, styled Lord John Drummond, who, on the *reported* death of his nephew, (James Drummond, commonly called Duke of Perth) said to have taken place in 1746, after the battle of Culloden, and on the *actual* death of his other nephew, (John, brother to James, last-mentioned) commonly called Lord John Drummond, which took place at Antwerp, in 1747, assumed the title of Duke of Perth;—he died, without issue, at Edinburgh, 27th October, 1757, and was interred in the abbey church of Holyrood House.

His lordship married (thirdly) Lady Mary Gordon, second daughter of Lewis, third Marquis of Huntly, and relict of Adam Urquhart, of Meldrum, esq. by her he had issue, two sons and one daughter; the eldest son was the Hon. Edward Drummond,

commonly called Lord Edward Drummond, who also, on the death of his brother, John (above-named) assumed the title of Duke of Perth;—he spent almost all his life in France, in literary retirement, and devoted to religious duties, and died at Paris, 7th February, 1760.

To return to the (fourth) Earl of Perth :—

His lordship was, in 1678, nominated by King Charles II. one of his privy council;—on the 1st of May, 1682, being then in the thirty-fourth year of his age, he was constituted Lord Justice General of Scotland, and appointed one of the extraordinary Lords of Session, 16th November, same year, and in two years after, by commission, dated 23d June, 1684, he attained the most dignified appointment which his majesty could bestow, by being raised to the distinguished office of Lord High Chancellor of Scotland, and appointed Sheriff Principal of the county of Edinburgh, 16th July, same year.

His lordship continued to execute the functions of his high office with equal honour to himself, and advantage to the interests and welfare of his country, to the end of Charles' reign, and on the accession of King James II. was continued in all his places, had the chief administration of affairs, declared himself a Roman Catholic, and attached himself closely to the principles and views of the reigning monarch, involving himself, by this means, in the calamities that ensued during that ill-fated period, which overwhelmed his family and himself, and, in the end, brought about a revolution in the government of the kingdom, and caused the abdication of James II. to whom, nevertheless, the Earl of Perth continued, to the end of his life, to be a warm adherent, as did also his family, his son and heir, and his successors.

In the fall of James was involved the ruin of his friends and adherents. The chancellor was driven from his seat, and voluntarily left the councils and the town, where his house had been plundered by a mob, and retreated to Drummond Castle;—here also, the vengeance of his enemies pursued him, and, finding the danger of his situation, and desirous to follow the fortunes of his master, he was induced to comply with the advice of his friends, and embarked in a small vessel at Kirkaldy for France, taking along with him his lady and their family;—his flight was soon discovered, and he was pursued by a long boat from Kirkaldy, full of armed men, who overtook the vessel and the fugitives near the mouth of the Forth, plundered the Earl and his lady of all the

property they had on board, and brought them back prisoners to Kirkaldy, where they were confined for some time in the common tollbooth of the place, and afterwards removed to the castle of Stirling, where he and his family remained prisoners for nearly four years, nor was he released till the privy council, by warrants of 28th June, 1693, and 4th August following, allowed him to be liberated, on his giving bond to leave the kingdom, under the penalty of £5000.

He went abroad accordingly, and proceeded, first to Holland, then passed through Germany, into Italy, and settled at Rome, where he resided about two years, when he was sent for, by King James, to St. Germain, in France, where the abdicated monarch had now fixed his residence and court; here he was received with the most cordial affection and kindness, and James heaped upon him all the honours and favours he could possibly bestow, and, as a mark of his esteem for him, and a reward of his fidelity, created him "**DUKE OF PERTH**," by royal patent, to his heirs male. He appointed him also first lord of the bedchamber,—Knight of the most noble Order of the Garter,—chamberlain to the queen,—and governor to his son, the Prince of Wales, as he was termed;—he had, at a former period (in 1687), on the revival of the ancient Order of the Thistle, been invested with it, and was named the first knight of that most ancient and most noble order. The title of "**Duke of Perth**," however, being conferred by James II. after his abdication of the throne of Great Britain, was never recognized in Scotland, but as the Earl of Perth assumed the title of "**Duke**," and so also did his son, and grandson, who were respectively and commonly called, "**Duke of Perth**," in the historical transactions of the last century, they have been usually designated by it, although the title itself cannot be considered as a matter of legal right, but suffered only from the courtesy of the country.

The Earl, or, as he now, perhaps, may be called, Duke of Perth, continued to reside at St. Germain, for a series of years, in a state of comparative quiet and retirement, solaced by the pleasures of literary enjoyment, and soothed by the consolations of religion;—his attachment to James continued firm and unabated, and on the death of that monarch, on the 6th of August, 1701, the Duke continued his friendship to the son, his ward, and discharged, with honourable zeal, the trust committed to him by his royal father;—he lived to see the eventful changes that took place in his native country, by the accession of King William III.—

and afterwards of Queen Anne, in whose death he beheld the end of the royal line of the Stuarts,—and he lived long enough to know of the complete failure of the attempt of his royal pupil to regain the crown of his ancestors, by the suppression of the fatal rebellion in 1715, and the House of Hanover established on the throne of Britain.

He died, at St. Germain's, on the 11th of May, 1716, in the sixty-eighth year of his age, and was interred in the chapel of the Scots College, at Paris, where a monument of white marble was erected to his memory.

His widow (his third wife) survived him several years, and died, at St. Germain's, in March, 1726, at the age of eighty.

He was succeeded in the family honours and estates, by his eldest son, "JAMES DRUMMOND,"—fifth Earl of Perth, and second Duke,—commonly designated, "Marquis of Drummond."

It is necessary, and extremely important, to remark here, the wise and prudent measures this nobleman adopted to secure the possession of the family honours and estates to his heirs and successors;—foreseeing the storm that was gathering in the political horizon, and apprehensive that it might, in its consequences, involve him in the general ruin, he took the precaution, when he was in full and undisturbed possession of all the honours and estates, and before he quitted Scotland, on his exile, in the year 1687, to make a resignation in the King's hands, of the Earldom of Perth, and his whole estate, with the heritable Offices of Steward, Coroner, and Forester of Strathern, Glenartney, and Balquhiddy, &c. &c.—in favour of his eldest son, James, Lord Drummond, and the heirs male, procreate, or to be procreate, of his body, which failing, to the said James, Lord Drummond, and his heirs male whatsoever, &c. &c.—whereupon a charter issued, under the great seal, in which his whole lands lying in the Stewartry of Strathern, are particularly enumerated, dated in November, 1687.

JAMES DRUMMOND,—FIFTH EARL, and SECOND DUKE OF PERTH, commonly designated Marquis of Drummond, succeeded his father in 1716;—born about 1671.

He was educated chiefly under the care of his father, whose principles and politics he very naturally imbibed, and warmly espoused the cause of the Stuart family;—from Scotland he went over to France, at an early age, to pursue his studies, and was soon actively engaged in the commotions of the times;—he accompanied James II. in his expedition from Brest to Ireland, in 1689,

and was at the siege of Londonderry, at Limerick, and other places, where he made a resolute, but an unavailing resistance, and finding all the plans for the restoration of King James utterly defeated, he left the adherents of the deposed monarch, and returned to Scotland about 1692;—at this time his father was a prisoner in Stirling castle, and when he was set at liberty (in 1693) on promising to transport himself beyond the seas, his son, Lord Drummond, was permitted to remain unmolested at home. Some years afterwards he went over to France. It was at this time that he was appointed Master of the Horse to Mary of Modena, queen dowager of James II. On his return to Scotland he found his country in a state of great commotion, and public disputes and differences running very high;—again active measures were concerting to place the Pretender, who, by the death of his father, had become, as was asserted, heir to the crown, on the throne of these realms;—these commotions at last, in 1715, broke out into open rebellion;—the Pretender had landed in Scotland, and been proclaimed, and among the chieftains who had flocked to his standard, with their clans, one of the foremost and most important was Lord Drummond, who strenuously supported the cause, and was enabled, from his wealth, his power, and his connexions, to render essential service; but all was unavailing, and, after some feeble efforts, on the part of the rebels, to face the approaching army of the King, they deemed it most prudent to seek safety in flight, and James retreated to Dundee, and from thence to Montrose;—he was there closely pursued by the King's troops, and judging it advisable to relinquish the cause, he went on board a vessel, and, accompanied by some of his leading friends, among whom were, Lord Drummond, the Earl of Mar, the Earl of Melfort,—&c. arrived a few days after at Gravelines, in France.—From this expedition to France Lord Drummond never afterwards returned:—he joined his father there, and continued with him till his death in 1716, and did not long survive him;—he died in 1717, and was buried beside the grave of his father, in the chapel of the Scots college, at Paris.

Profiting by his father's example, in securing the succession of the family honours and estates to his heirs and descendants, he had had the precaution to execute a disposition, or deed of entail, of his estates, dated 28th August, 1713, in favour of his eldest son, James Drummond; (the person afterwards called Duke of Perth, and who was so deeply implicated in the rebellion, 1745)—this deed was sustained by the Court of Session, 1719,—and affirmed by the House

of Lords, 1720 ;—by this means the estates were preserved to the family, although the granter joined in the rebellion.

He was attainted of High Treason by Act of Parliament, 1. Geo. I. (1715) by the style of “James Drummond, Esquire, commonly called Lord Drummond, eldest son and heir apparent of the Earl of Perth.”—In the same Act of attainder were included, John, Earl of Mar, William Murray, Esquire, commonly called Marquis of Tullibardine, eldest son and heir apparent of John Duke of Athol, and James, Earl of Linlithgow.

He (James Drummond—5th Earl, and 2nd Duke) married (contract dated 5th August, 1706) Lady Jean Gordon, only daughter of George, first Duke of Gordon, and Lady Elizabeth Howard, daughter of Henry, Duke of Norfolk ;—by her he had two sons, and two daughters,—viz.

1. JAMES DRUMMOND, his Heir,—(accounted 6th Earl, and 3rd Duke of Perth), born May 11th, 1713,—died at Biddick, County of Durham, in June, 1782.

(OF WHOM SEE MORE AFTERWARDS.)

2. JOHN DRUMMOND,—commonly called Lord John Drummond ;—died at Antwerp, in 1747, unmarried.

3. Lady MARY DRUMMOND.

4. Lady HENRIET DRUMMOND.

Who both died unmarried.

Upon the death of her husband (in 1717) his lady, who was commonly called the Duchess of Perth, returned to Scotland, and for many years resided at Drummond Castle, with great respectability ;—she was accounted a woman of great spirit and activity, and entered warmly into the views and measures of the Stuart family,—so much so, that, for her support of the rebels, she was committed prisoner to Edinburgh Castle, 11th February, 1746, and liberated, on bail, 17th November, 1746 ;—on the forfeiture of the family estates, in 1746, she was compelled to quit Drummond Castle, and retired to Stobhall, where she ended the days of her long and eventful life, in January, 1773, aged about ninety ;—she was (as above) the mother of the unfortunate James Drummond, commonly called Duke of Perth, who, so fatally for himself, engaged in the rebellion, 1745,—and report and tradition say, that he was, in a great measure, instigated thereto, by the urgent solicitations of his mother, and contrary to his own judgment and inclinations,—and it has been said, that though she lived to within about nine years of the time of the death of her son (which happened in 1782),

she never forgave him for what she considered his lukewarmness in the cause, and never had any intercourse with him after the failure of the rebellion.

JOHN DRUMMOND, or Lord John Drummond, the second son, was educated at Douay, and finished his academic studies at the Scots College, at Paris ;—he attached himself to a military life, and entered into the service of the King of France, for whom he raised a regiment, called the Royal Scots, of which he was constituted Colonel,—he retained his family attachment and predilection to the House of Stuart, and exerted himself on all occasions in the attempts for its restoration ;—the rebellion having broken out in Scotland, he arrived at Montrose, in November, 1745, with his regiment, and several other troops that were sent over from France, to support the cause of the Pretender ;—he was at the battles of Falkirk and Culloden, and, after the defeat of the rebels at the latter place, he took shipping, and made his escape to France ;—he afterwards served under Marshal Saxe, in Flanders ;—after the siege of Bergen op Zoom, in 1747, he was appointed a Major General whilst lying ill of a fever, of which he died, without issue, the same year, and was buried in the Chapel of the English nuns at Antwerp.

He was attainted of High Treason by Act 19, Geo. II. (1746) by the appellation of “ John Drummond, taking upon himself the “ stile or title of Lord John Drummond, brother to James Drummond, taking on himself the title of Duke of Perth ;”—(who, (James) it is to be observed, was also himself attainted by the same act, and named in the list of attainted persons before John).

It is of importance to observe his (John's) history with attention, particularly in regard to two points ;—the first is, a report which was circulated, that his elder brother, James, embarked in the same ship with him, but died on the passage to France ;—evidence, and, it is presumed, of the most irrefragable description, will be adduced, to shew, not only that James did not embark *with him*, but that he (James) did not embark *at all*, and that the story of his death, then circulated, was a falsehood, and that he lived for upwards of 36 years after ;—the next point to be noticed in John's history is, that he is the individual alluded to in the Act 24, Geo. III. cap. 57, sec. 10, (1784) for restoring the forfeited Estates, wherein it is expressed, that—“ Whereas the Estate of Perth, “ which became forfeited by the attainder of John Drummond, tak-

“ing upon himself the stile or title of Lord John Drummond, Brother to James Drummond, taking on himself the stile or title of Duke of Perth, stood devised before the Forfeiture to Heirs Male, and whereas the said John Drummond died without leaving Issue Lawful of his Body, and it is not yet ascertained who is his nearest collateral Heir Male; be it enacted by the Authority aforesaid, That it shall and may be lawful to his Majesty, His Heirs and Successors, to give, grant, and dispoñe to the Heirs Male of the said John Drummond, who would have been intitled to succeed by the Investitures of the said estate, had it not been forfeited, and to the Heirs and Assigns of such Heir Male, all and every the Lands, Lordships, Baronies, Fisheries, Tithes, Patronages, and other Heretages and Estates, which became forfeited to His said late Majesty by the Attainder of the said John Drummond, taking upon himself the stile or title of Lord John Drummond, and which were annexed to the Crown as aforesaid; subject always to, and chargeable with, the Sum of Fifty-two thousand five hundred forty-seven Pounds, One Shilling, and Sixpence, and Three Twelfth Parts of a Penny Sterling; of Principal Money, to be paid into the said Court of Exchequer, as after directed.” Thus, also, it is to be observed, cutting the knot, at once, of the Entail to heirs *male*, as formerly devised;—it is evident the act assumed the death of James (the elder brother) to be antecedent to that of John, by using the words, “John,” &c. “Brother to James,” &c. as completely, as if it had said—John, &c. Brother to *the late* James, &c. now if the evidence herewith adduced is deemed sufficient to prove that the fact was otherwise, which, we think, cannot for a moment be doubted, it follows, *a priori*, that the act itself, and from which such strange consequences have ensued, is bottomed in error and misrepresentation, to say the least of it, consequently *John* could not possibly be the heir, and if *he* was not, it is quite superfluous to give any consideration as to who were *his* heirs, yet, on this pretended heirship, possession of the estates has been obtained, and the present possessors appear to hold them by no stronger a tenure than this rope of sand. Lest this definition as to the heirship of John should be misunderstood, it is necessary to state here, that it is not meant to deny, that John was, or rather, would have been, the heir, *if James had been actually dead*, but the position or principle here laid down, is, that—*James being living at the time*, nothing had descended, or could descend, to John, as heir, and if he had inherited

or derived nothing, and was not in a situation to inherit, or derive, ~~—~~nothing, of course, could *devolve* from him,—and therefore the estates actually became forfeited by the attainder of *James Drummond*, taking on himself the Stile or Title of Duke of Perth,—and *not* by the attainder of John Drummond (his younger brother) as the terms of the act would imply. But this point will be further illustrated, when we come to treat of James Drummond, the elder and the surviving brother, and, undoubtedly, the *real* heir.

He (James Drummond,—the 5th Earl, and 2d Duke, of Perth) died (as before stated) in exile, in 1717,—and was succeeded by

JAMES DRUMMOND (his eldest son, and heir)—accounted 6th Earl, and 3d Duke of Perth;—and generally styled, in the history of the times in which he lived, “DUKE OF PERTH.”

JAMES DRUMMOND,

SIXTH EARL, AND THIRD DUKE, OF PERTH;

(IN COMMON PARLANCE—“THE DUKE OF PERTH”)

Born May 11th, 1713,—succeeded, on the death of his father, in 1717, being then a minor, four years of age,—died, at Biddick, in the County of Durham, a few days prior to the 10th June, 1782, in the 70th year of his age, and was buried at the Chapel of Painshaw, in the Parish of Houghton-le-Spring, in the same County, on the 10th June, 1782.

We have now arrived at the æra in this history, when we have to consider the circumstances and relative situation of a personage, of more importance, in the main, than any other in this important case, for, on the precise time, and under what circumstances, this person died, the issue of the case must depend;—if he actually did die, in the month of May, 1746, or about that time, at sea, or otherwise, or at any subsequent time, during the lifetime of his younger brother, John, (who, it will be remembered, died in the latter end of the year 1747)—then there is an end of the case, as far as concerns the case of the present claimant, Thomas Drummond, for Lord John Drummond would, unquestionably, be the legal heir to the family honours and estates;—but if, on the other

hand, he did not die at that time, but, on the contrary, escaped to the County of Durham, and married, and had lawful issue, and died there, in the month of June, 1782, then, it is equally unquestionable, that Thomas Drummond, his lawful grandson, and heir male, must be legally intitled to succeed to the honours and estates he claims.

The subjoined account, or history, of this James Drummond (whom we shall, for the sake of brevity in designation, call "Duke of Perth,"—or—"James Drummond," generally) will be rendered with the strictest regard to truth and impartiality, as far as can possibly be ascertained;—no circumstance will be concealed or misrepresented, as far as is known,—it is thought best, however, to give his history in two distinct ways;—first,—as it appears to be borne out by the evidence adduced on the present occasion;—and then, as it has been represented in history, or by report, tradition, or otherwise;—by this mode, it is hoped, the judgment will be best assisted in coming to a right conclusion as to the merits of the case;—it is necessary, perhaps, to observe here, that there is only one point, on which any difference of opinion seems to exist, and that is, the precise time of the death of the Duke of Perth;—in all the other circumstances of his life and history (that is, down to the time of his reported death, in 1746) there is no disagreement;—on this one point, however, every thing else depends.

First then;—James Drummond (6th Earl, and 3d Duke, of Perth—born May 11th, 1713;—succeeded to the honours and estates, as eldest son of, and heir to, and on the death of, his father (James Drummond, 5th Earl, and 2d Duke of, Perth) in 1717, being then a minor, four years of age.

He had the estates conveyed to him by his father, by a disposition, or deed of entail, of the estates, dated 28th August, 1713, and executed by his father, and which was sustained by the Court of Session, in 1719, and affirmed by the House of Lords, 1720, as before stated:—by this means the estates were preserved to the family, although the granter joined in the rebellion (1715).

When he came to maturity, he obtained (in the year 1731) a Charter of Resignation, under the Great Seal of Scotland, of ALL and WHOLE the Lands, Lordship, Barony and Regality of Drummond, and Earldom of Perth, therein particularly enumerated and described, which Charter of Resignation is dated the 12th day of February,—registered the 10th—and sealed the 12th days of April, all in the year 1731.

On his father's death, he assumed the title of Duke of Perth.—He was carried abroad, when very young, and received his education, first at the College of Douay, and afterwards at the Scots College at Paris, when he made great progress in academic learning, and became a skilful mathematician.

About the time of his majority he returned to Scotland, and applied himself to the management of his private affairs, and to the improvement and cultivation of his vast estates.

As might very naturally be supposed, he had early imbibed the principles of his family, and devoted himself to the service of the house of Stuart :—he, and his uncle John, were two of the seven persons, who, in 1740, signed the association, engaging themselves to take arms, and to venture their lives and fortunes, to restore the Stuart family, provided the King of France would send over a body of troops. Patronized by France and Rome, a great effort was projected for restoring the Stuarts, and, in the year 1745, the flame of rebellion completely burst forth, and involved the nation in all the horrors of civil war ;—Charles Edward Stuart, son of the old Pretender, and termed, by his adherents, Prince Charles, had landed in Scotland, and personally appeared to rouse the zeal of his friends, and many flocked to his standard ;—among the foremost of these, in an evil hour, the Duke of Perth was induced to join, with all the forces he could raise, and, by his influence and power, was of essential consequence and service to Charles ;—he was his first lieutenant general at the battle of Preston Pans, and commanded at the Sieges of Carlisle and Stirling ;—he commanded the left wing of the rebel army at the decisive battle of Culloden, on the 16th April, 1746, and, on the total rout of the rebels on that day, fled, with many others, for safety ;—here it is that the discrepancy of conflicting accounts commences ;—but, as it is gathered from the evidence adduced on this occasion, and, as far as can be judged, from the most authentic sources, the course the Duke of Perth pursued was as follows :—

He was wounded in the head and hands, in the battle, and fled, on horseback, with great precipitancy, and it is in the evidence of William Mackenzie, that he was so seen, on his flight, on the latter part of that day, at a considerable distance from the field of battle ;—it appears to be beyond doubt that he obtained a shelter, or hiding place, among his friends, somewhere in Scotland, though, at this distance of time, the spot cannot be ascertained, but the

tradition to that effect is strong, and persons living have been heard to say, that he was concealed in some house or houses, occupied by their grandfathers or ancestors, till the vigilance of the search after the rebels was somewhat abated.—Among many other traditionary accounts relating to the Duke of Perth, about the period of the rebellion (1745) and in common circulation in Scotland, particularly in the neighbourhood of Drummond Castle, are the following; he was universally popular, and generally known over all the country, as he had been in use to ride at the head of his tenantry and friends, called, in the common language of the country at that time, his body of guards, through Michaelmas Market, at Crieff, the greatest fair, at that time, in Scotland, where many thousands usually assembled to buy and sell cattle, horses, sheep, &c. &c.—collected from all parts of the country;—this circumstance made his appearance and person familiar to all, and discovered him afterwards very easily, when necessitated to appear in disguise.—On his going north to join the chieftains, at the time of the rebellion, when losing sight of his castle, he stopped, and turning round, exclaimed, as if conscious of, and anticipating almost, the dangers and the consequences he was exposing himself to,—“Oh!—my bonny Drummond Castle, and my bonny Lands!”

Some time after the battle of Culloden, he returned to Drummond Castle, where his mother usually resided, and lived there very privately, skulking about the woods, and in disguise;—he was repeatedly seen in a female dress, barefooted and bareheaded;—once a party came to search the castle unexpectedly;—he instantly got into a wall press, or closet, or recess of some sort, where a woman shut him in, and, standing before it, remained motionless till they left that room, to carry on the search, when he got out at a window, and gained the retreats in the woods.—After he had withdrawn from Scotland, and settled in the north of England, he occasionally visited Strathern, in the disguise of an old travelling soldier or beggar, and has been recognized repeatedly, under that disguise, as his person was generally known.—In these occasional visits he called one day at Drummond Castle, when the housekeeper, at his request, shewed him the rooms of the mansion;—she was humming the song of “the Duke of Perth’s lament,” and, having learned the name of the song, he desired her to sing it no more;—when he got into his own apartment, he cried out, “this is the Duke’s own room,”—and, when lifting his arm

to lay hold of one of the pictures, she observed he was in tears, and perceived better dress under his disguise, which convinced her he was the Duke himself.

In these visits through the country, he was occasionally discovered by intelligent and inquisitive persons;—it was observed, that if his castle was at any time in sight, he generally took a long-ing look at it, and shed tears.—It happened, one day, when he was receiving some entertainment in the house of a talkative weaver, that the clock struck, upon which the weaver exclaimed,—“what do you think of a machine of that kind in a poor weaver’s house?” to which the traveller (Drummond) replied, pulling out his gold watch,—“what do you think of that in an old beggar’s pocket?” It was now, that, for obvious reasons, and to elude discovery, the report of his death, on shipboard, or otherwise, would be propagated by his friends, and encouraged by himself, and it will be seen, by reference to the evidence of Mrs. Jane Hamilton, and Mrs. Ann Atkinson, that some such stratagem was had recourse to;—it seems quite clear, however, that he did escape discovery at that time, and found means to get himself conveyed on board ship, and fled to England, and landed at South Shields, in the County of Durham, a few miles only distant from Biddick, where he finally took up his residence;—it would seem he proceeded from Shields to Sunderland, and thence to Biddick, a situation near the river Wear, a few miles above Sunderland, and a place peculiarly calculated to afford shelter and security to a fugitive in his situation;—this will the more fully appear from the following description of the place, extracted from a work, partly topographical and partly historical, lately published, under the title of a “History, Directory, and Gazetteer, of the Counties of Northumberland and Durham, and the Towns and Counties of Newcastle upon Tyne, —&c. &c.—By William Parson, and William White, 2 Vols. 8vo.—1827, and 1828.”—At page 271, Vol. II. is the following account of Biddick, in the parish of Houghton-le-Spring.

“The village of South Biddick is in a sequestered situation, and was formerly inhabited by banditti, who set all authority at defiance, nay the officers of excise were afraid of surveying the two public-houses, unless protected by some of the most daring of the colliers, who were rewarded for their trouble. There were in the village about ten shops or houses where contraband spirits were publicly sold without any licence. The press-gang were at one time beat out of the place with the loss of two men, and ne-

“ver more were known to venture into it, for if they were known
 “to be in the neighbourhood, the ‘BIDDICKERS’ used to sound
 “a horn, the signal for them to fly to arms; fires were lighted in
 “various places; the keels in the river were seized, with which
 “they formed a bridge of communication with Fatfield, (another
 “place on the opposite side of the river, equally as lawless as their
 “own) and kept watch and ward till the danger was past. In
 “consequence of which it became a receptacle for such as had vio-
 “lated the laws of their country.

The concluding passage of this article is so remarkable, and of such vast importance to the present case, that it cannot be omitted here, and is deserving of particular attention;—it is as follows;—the editor says.—“It was here (i. e. at Biddick) the unfortunate
 “James Drummond, commonly called Duke of Perth, took sanctuary after the rebellion of 1745-6, under the protection of
 “Nicholas Lambton, Esq. of South Biddick, where he lived in
 “obscurity and concealment till 1782, when he died and was buried
 “at Painshaw.”

If there were no other evidence in existence, it is presumed that this would, in the eyes of reason and justice, and, it is to be hoped, in a Court of Law, be deemed ample and sufficient proof, that the James Drummond, commonly called Duke of Perth, who fled from the battle of Culloden, and the James Drummond, who came and settled at Biddick, were one and the same person, and this at once refutes all the stories about his alleged death on board of ship.

How long he continued at Sunderland cannot exactly be ascertained, but most probably his stay there would be very short, as he would be anxious to be at Biddick, the place which, for the reasons above mentioned, seems to have been selected for his retreat;—it is clear he must have been at Biddick for a considerable time previous to the 16th April, 1747, the date of the letter, written to him, by his brother, Lord John Drummond, from Boulogne, wherein it is said.—“I think you had better come to
 “France, and you would be out of danger, as I find you are living
 “in obscurity at Houghton-le-Spring,—I doubt that is a dangerous
 “place yet”—&c.—“you say it is reported you died on your passage to France—I hope and trust you will still live in obscurity.”
 —&c.—&c.—much valuable evidence in favour of James Drummond’s identity may be gathered from this letter, which, it may be observed, is written, to a day, exactly one year after the battle

of Culloden ;—the letter says—“ I think you had better come to “ France.”—&c.—this, clearly, would not have been said, if James Drummond *had been in France* (i. e. after the battle of Culloden) before the writing of this letter ;—it is true a report, and, what is more, an opinion, has prevailed, even among some of James Drummond’s friends, that he did take shipping, in Scotland, and proceeded to France, and that he staid there for some time, and then returned to England ;—subsequent, and better information, however, has shewn this opinion to be erroneous ;—again, the letter says,—“ I find you are living in obscurity at Houghton-le-Spring,”—&c.—(Houghton-le-Spring is the Parish in which Biddick is situate)—this shews that a communication to that effect must have been made to John Drummond, and, there can scarcely be a doubt, made by James Drummond himself, for John’s letter further goes on to say :—“ *you* say it is reported you died on your “ passage to France,”—&c.—all this demonstrates that James Drummond had never been out of Great Britain during that year (i. e. from April, 1746, to April, 1747) and that a correspondence, by letter, had been kept up between him (in England) and his brother John (in France) during that time, and, if James Drummond did not go to France, or quit England during that period, he did not do so at any time afterwards, for it is clear, that he never quitted Biddick (at least to go abroad) after he first took up his residence there.

It seems that James Drummond, on his first coming to Biddick, took up his residence with John Armstrong and family, persons in a very humble situation, but of reputable character in their station ;—the man was a collier, or, as it is usually termed in the country, a “ pitman,” that is, one who earns his subsistence by hard mannal labour in the recesses of a coal mine ;—that the local advantages, arising from the residence of Armstrong’s family being in Biddick, was, in Drummond’s case, the primary inducement for the latter taking up his abode with them, need not be questioned, but there are good grounds for supposing that there was another, and a very strong, motive for selecting Armstrong, arising from his occupation as a pitman, for it is well known, that in many cases, offenders of various descriptions have been secreted by their friends in the abyss of a coal pit, where it was next to impossible to trace or dislodge them, and it would have been no difficult matter for Armstrong and his family, in case of sudden danger or alarm, to have put their guest down a coal mine,

a hundred fathoms, perhaps, or more, into the bowels of the earth, where he might have remained, impregnable, for a length of time, and until the danger was over, with no greater inconvenience, probably, than being secluded from the light of day, and his pursuers might almost as well attempt to enter the infernal regions, or deliberately walk into the crater of Mount *Ætna*, as offer to descend into a coal pit, without the leave, co-operation, and assistance of the owners and managers of the pit, and, had any one attempted to gain admission to the place by force, the invader's own life would, very probably, have been sacrificed to his temerity, especially in that lawless district, and in those troublesome and disorderly times.

It appears that James Drummond, some time after his arrival at Biddick, commenced the business of a shoemaker, or rather a seller of shoes, for he employed real shoemakers to furnish shoes, which he sold ;—it is quite clear that his object in doing this was to lull suspicion, and to give him the appearance, in the eyes of the world, of a poor mechanic, rather than for profit ;—this business, however, he soon declined, for the best possible reason, that his poor finances could not stand it, and he had nothing but loss by it.

We now approach an important epoch in his history,—his marriage ;—all accounts and traditions agree in extolling the kindness and hospitality, as far as their means extended, shewn by John Armstrong, and Elizabeth, his wife, and their family, towards James Drummond, their forlorn and unfortunate guest, and the generous protection and shelter they afforded him, and the warm interest they took in his concerns ;—this naturally engendered great intimacy among the parties, and a cordial feeling of friendship, which, not long after, sprung up into an attachment of a still stronger nature between two of them ;—among the family of John Armstrong was a daughter, named Elizabeth, who is represented to have been a person of exquisite beauty, and amiable disposition and manners ;—of her, it appears, James Drummond became greatly enamoured, and, the affection being reciprocal, they were married at the Parish Church of Houghton-le-Spring, in the County of Durham, on the 6th November, 1749, she being then only about 16 or 17 years of age.

They continued to reside under Armstrong's roof, it is believed, for some time after their marriage, but subsequently, and when they came to have a family, they removed to what was called the

“ Boat-house ; ”—this was a house, with the privilege and use and profit of a ferryboat attached to it, all which was a boon, generously and kindly granted to James Drummond and his family, by Nicholas Lambton, of Biddick, Esq. a gentleman of large fortune and possessions, who resided at Biddick Hall ;—he, it appears by the evidence of Mrs. Ann Atkinson and Mrs. Elizabeth Peters, was well aware of the name, the origin, and the history of James Drummond, and, greatly commiserating his misfortunes and destitute situation, became it may be said, his protector and his support.

The same benevolent feeling towards the Drummond family was equally entertained by Miss Mary Lambton, as by Mr. Lambton, as well during the lifetime of the latter, as afterwards, when she became sole heiress to the Biddick property, and, well knowing the history and origin of James Drummond, and his unfortunate situation, she generously assisted in alleviating the distresses of him and his family.

In addition to the occupancy and profits arising from the ferryboat, he was enabled, by the assistance of friends, to commence a little country, or Huckster's shop on the premises, of which his wife had the chief management, and thus found means, though in a very humble way, to support the family, which, in the course of about a dozen years, consisted of six or seven children, who, as soon as their respective ages would allow of it, were put to different vocations, and his eldest son (James) was, at an early age, set to work in a coal mine ;—it may seem strange to those unacquainted with the local habits and manners of pitman and their families in the north of England, that James Drummond, recollecting his own origin and rank in life, should, nevertheless, consign his eldest son to the dangerous occupation of a collier, but there were powerful reasons for this ;—it is well known to be the custom, invariable almost, among pitmen, to make all their sons pitmen, and who again follow the same course with their progeny ;—it is a profitable, though a dangerous occupation, and boys, at a very early age, are enabled to take a part in it, suited to their years ;—thus it is very common for the father to be earning great wages by his own labour, and have, perhaps, three or four boys receiving additional pay for the work they respectively perform, making an aggregate that furnishes ample means for the support of the family ;—it is true James Drummond himself was not of this description of persons, but the connexion he had formed

brought him within the influence of it, for his father-in-law was a pitman, and so were his family, and this very probably, would go far to fix the destiny of the boy ;—another motive for selecting this occupation for the youth, might be for the better concealing the real state of the fathers' history, and giving him the appearance, in the eyes of the world, as one of the rank and level of poor pitmen only ;—but, however circumstances might impel him to yield to this necessity, and degradation almost, his real wishes for his son were very different, for it appears, from the account of the family, that he was desirous to have him educated for the priesthood, but the means were quite out of his reach ;—it is, however, only justice to his memory to say, that he paid great attention to the education of his children, as far as his own personal instructions could go, and his qualifications for that task were eminent, but his poverty was a complete bar to their receiving any thing of public or general instruction.

It will be asked, perhaps, why is this diffuse detail given, merely to shew a reason for James Drummond rearing his son as a pitman,—to which it may be answered, that it is meant to repel a theoretical argument that has sometimes been advanced, militating against James Drummond's identity and origin, on the ground, that if James Drummond had really been the person he was represented to be, it was out of the course of nature, almost inconsistent with common sense and reason, and highly improbable, that he could ever sink so low, as to be induced to deal with his child in the way that he did, and inferring therefrom, that he must have been an impostor. It is hoped this argument has been satisfactorily answered.

His second son, William Drummond, after having received all the instruction his father could afford, was put apprentice to sea, and, in due time became mate, and afterwards master, of a ship, of which he was also, latterly, part owner ;—he is represented to have been an intelligent, active, and worthy man, but his disastrous and premature death deprived the family of many advantages they might probably have obtained, had his life been longer spared, but his ship was unfortunately run down, at sea, on her passage to London, by another vessel, and the master and the whole of the crew were lost with the ship, and, what adds to the horror of this catastrophe, is the inhumanity, or rather the barbarity, shewn by the crew of the other vessel, who not only did not afford any succour to their sinking fellow creatures, but, on the

contrary, absolutely accelerated their destruction, by beating off their hands with handspikes, while they were clambering and clinging to the sides of the surviving vessel, and imploring assistance to save their lives ;—it is lamentable to think that such an atrocity should have been committed under no better motive than an endeavour to screen themselves from punishment, and from the consequences that would, most probably have ensued to them, for having, by their own culpable carelessness and neglect, caused the destruction of the other ship. These circumstances were not discovered till some time afterwards, when they were made known by a boy, who was one of the crew of the ship that did the mischief ;—steps were taken to bring the perpetrators to justice, but, from lapse of time, and want of sufficient evidence, the attempt was unsuccessful.

The loss of William Drummond's life, great as the misfortune was, of itself, was not the only evil consequence resulting from this lamentable event, for it is feared he had with him, at the time, a number of family papers, and documents relating to the family, which had been gathered together, for the purpose of making search, and instituting an enquiry, as to how far the heirs of James Drummond (Duke of Perth) were intitled to the Perth Estates, (which had, a short time previously, been obtained (by what means will be discussed in another place,) by the person afterwards created Baron Perth) and all these papers and documents were lost with him. It will be seen, by the evidence of Mrs. Peters, that William Drummond had been in Scotland before, and had had an interview with Baron Perth on the subject, and was actively engaged in prosecuting inquiry, when his efforts were all rendered abortive by his untimely death.

His (James Drummond's) eldest daughter (who was his eldest child also) Ann Drummond, afterwards Ann Atkinson, was born at Biddick, and christened at the parish church of Houghton-le-Spring, on the 10th June 1750.

This is the Mrs. Ann Atkinson, whose important and circumstantial evidence is hereunto annexed, and which has been of signal service in elucidating the history of the life and actions of her father, James Drummond, and his family ;—she is still living, and though now far advanced in the seventy-ninth year of her age, is in good general health, and in full possession of her faculties ;—she is rather deaf, but her recollection and memory, though certainly not so acute and quick as they may have been in her younger

days, are nevertheless sound and good;—she appears to be a person of good natural judgment and discrimination, and, though her early days must have been passed among persons in the lower ranks of society, yet her manners and deportment shew that she must have had intercourse with some of higher order, and the benefit she has derived from this, it cannot well be doubted, is to be traced to the example she had in the superior manners and demeanour of her father;—the perusal of her testimony, on the present occasion, will manifest the fund of information she is possessed of, and when it is recollected that she is able to relate, from her own knowledge, the occurrences and transactions of times, more than seventy years back, it is difficult to appreciate the value of her testimony.

He (James Drummond) had a younger daughter, Elizabeth Drummond, afterwards Elizabeth Peters, who was born at Biddick, and christened at Painshaw Chapel the 10th June, 1764.

This is the Mrs. Elizabeth Peters, whose evidence, of the same description with Mrs. Atkinson's, is likewise hereto annexed.—Mrs. Peters also is still living, and the same remarks that have been made with regard to Mrs. Atkinson, are equally applicable to Mrs. Peters, who, it will be observed is now in the sixty-fifth year of her age.

James Drummond had other children, but as their history contains nothing immediately relative to, or bearing upon, the present case, it is not thought necessary to notice them more particularly.

Having now traced the history of James Drummond, Duke of Perth, from the time of his birth, down to that of his final and settled residence at Biddick, and shewn, satisfactorily, it is hoped, the course he pursued, and the particulars of his life and transactions, at every progressive stage and interval of that period, little seems necessary to be added, unless it be a recital of some occurrences that took place during his residence there, and which, though unfortunate and distressful at the time, have nevertheless, in their consequences, been of service to the cause, in furnishing much and valuable evidence in his favour, as to the great point of his identity.

The great and disastrous flood that took place in the river Wear, on the 17th November, 1771, and which inundated a large portion of the adjacent country, overflowed and carried away, in its ravages, the dwelling house of himself and his family (the boat-house before described) and put their lives to imminent hazard, and the ferryboat which had heretofore been instrumental in fur-

nishing their subsistence, was now, fortunately, the means of saving their lives, for the family were carried out of the house in the ferryboat, which was of great service on the occasion, in saving the lives of many other persons.—The house was a ruin, and scarcely an article of furniture or property was saved ;—among their furniture was a box or chest, in which was usually kept a tanned leather pouch, or bag, or paper case, with three pockets, wherein were contained his (James Drummond's) memorandum book, various family papers, letters, documents, writings, &c.—&c.—among which was a “Ducal Patent of Nobility,” as it was termed, when spoken of by him to the family,—and also a favourite diamond ring, &c.—all which things had belonged to the Drummond family :—in the confusion of the moment these things were scattered about, and almost all lost, to the deep regret of James Drummond, who said they would have been of most essential service and importance, if ever the estates and honours should be restored to the family ;—he particularly regretted the loss of the Ducal Patent of Nobility, and so great was his anxiety after it, that he frequently, after the flood had subsided, wandered along the shores of the river, to see if chance might throw any of these things up again, and made all possible inquiries after them, but never could learn any thing.—There seems every reason to believe that the document above mentioned, was the original Royal Patent granted by King James II. at St. Germain's, in France, to James Drummond, Fourth Earl of Perth, and his heirs male, creating him “DUKE OF PERTH,” as has been before related.

These circumstances are all minutely related, and distinctly proved, in the evidence of Mrs. Elizabeth Peters, and Mrs. Ann Atkinson, hereunto annexed, and, although the loss of these documents is much to be deplored, yet their absence furnishes, as it were, a kind of negative proof, favourable to the present case and claim, as it fairly accounts for the paucity of documentary or written evidence that the claimant is able to produce on the present occasion, and this paucity is still further accounted for, by recollecting, that even what was saved, after the flood in 1771, was afterwards lost, when the fatal accident happened to Captain William Drummond, who, as has been before stated, is supposed to have had with him, at the time, all the papers and documents, that had escaped the wreck of 1771.

It appears, from the evidence of various persons, resident in England and Scotland, that James Drummond was induced, at a

period of time many years (it would seem not much less than thirty) after the rebellion (1745) to take a journey to Scotland, for the melancholy purpose of taking a view of his long lost lands and his ancient domain, and the better to accomplish this, without exposing himself to discovery or apprehension, (for it seems, he was, to his dying day, fearful of being apprehended, long as the interval had been since his crime was committed) it was judged expedient that he should travel in some disguise, and, for that purpose, an old red coat, or soldier's coat, was procured by his wife, in Newcastle, and, thus attired, he set out on his journey, in the disguise, as the witnesses (his daughters, &c.) express it, "of an old beggar-man;"—they saw him set out thus, and, after due time, they saw him return to Biddick, in the same dress, when he assembled his family around him, and in bitterness of heart, lamented his forlorn and destitute situation, repeating to them that he was the Duke of Perth, and that they were his children and heirs, and, though he feared that he would not get his lands again, yet, at some future period, perhaps, his children might, and gave them much good counsel as to their future conduct and deportment in life;—he related many anecdotes of what had occurred to him when in Scotland, among the rest, that he had staid for some time with one Mr. Græme, a gentleman in whom he could confide, who made him put off his old red coat, and lent him another, which he put on, on which a lady, who was present, and who knew him well, exclaimed, "The Duke looks like himself now."

These things are in proof, not only from the evidence of his daughters, &c. in England, who saw him set out, and return, as before stated, but also from the evidence of several persons in Scotland, who have the traditionary testimony from their ancestors, and precisely to the same effect.

The instances of demonstration, it may almost be said, that may be gathered from a perusal of the subjoined evidence, in regard to James Drummond's identity, are so numerous, as to render it, in a great measure, superfluous to particularize them here, but a few may be noticed, in order to draw attention to them, as more particularly pointed and interesting. It appears from the evidence of Mrs. Ann Atkinson, that the late General Lambton, a gentleman of great power and influence in the County of Durham, and whose residence was very near to Biddick, also well knew James Drummond, and his history, and took occasion to say to him, one day, that he (Drummond) "was the *Rebel Drummond*," and that he

“(General Lambton) would have him *beheaded* ;”—these three expressions,—“Rebel—Drummond”—and—“beheaded,” contain a body of evidence that seems irresistible, as to his identity ;—in the first place he is called “*Drummond*,” then further distinguished as the “*Rebel Drummond*,” and, lastly, and most important of all, is threatened that he should be “*beheaded* ;”—this last expression makes it manifest that the General knew his rank to be that of a nobleman (as he was commonly held to be) and that if he should suffer death, it would be by *decapitation*, the mode of execution used for nobility only. Mrs. Ann Atkinson also deposes to an expression nearly similar, made use of by Nicholas Lambton, of Biddick, Esq. to her father (James Drummond) whom he accosted in these words,—“I know you well enough,—you are one “of the Drummonds, the Rebels, but I will give you the house and “garden for all that ;”—the house alluded to is the boat-house before mentioned, as having been bestowed on James Drummond, in pity for his destitute situation, when he came to Biddick.

Much interesting information may be derived from the history of the wounds James Drummond (Duke of Perth) received at the battle of Culloden (April 16th, 1746). It is related, in the evidence of William Mackintosh, from the testimony of his grandfather, Alexander Mackintosh, who (with a party of rebel forces, that were on the march, with the intention to join the grand army that day at Culloden, but were too late) came up with a considerable body of the rebels, among whom was the Duke of Perth, and several persons of distinction, were on their flight from Culloden, where they had been utterly defeated by the King’s army that morning, and the account Alexander Mackintosh gave, was, “that the Duke of Perth came galloping up on horseback, all “besmeared with his own blood, which flowed from some *wounds* “he had received in the *face* and *hands*, as though from the “thrust of a spear, or some such weapon.”—The next place where we find James Drummond’s wounds noticed, is in the letter before mentioned (dated 16th April, 1747) from his brother, Lord John Drummond, then at Boulogne, to James Drummond, at Biddick, and which contains (*inter alia*) this passage, “hoping “that you have at last recovered from your *wounds*,”—&c.—But, perhaps, the most important part of the testimony derived from this account of his wounds, will be found in the evidence of his daughters, Mrs. Ann Atkinson, and Mrs. Elizabeth Peters, who

both speak in strong terms of the scars and appearance of his person, from the effects of the injuries he had received ;—the scars were very conspicuous ;—that on his right hand must have been a desperate wound ;—it was a cut, on the back of the hand, extending from the wrist to the middle finger, which, from the injury, had been rendered shorter than the next, or fourth finger, and Mrs. Atkinson deposes, that, on her asking her father “ what had done that ? ” he replied,—“ my dear, *I was wounded at the battle of Culloden*, and there was part of the bone taken “ out.”

The instances that might be adduced, from the Evidence and Depositions, tending to prove the strength and validity of this case, are almost innumerable, but it is presumed what has already been shewn, will be found sufficient to convince even the most incredulous, and therefore it is deemed unnecessary here to say any thing more, than merely refer to the Proofs and Evidence which have been obtained, for a full demonstration of the whole case, in all its particulars.

It may be permitted here however to remark the harmony and consistency that pervade the case throughout ;—persons from different parts of the Kingdom, in England and in Scotland, unknown, generally, to one another, unbiassed, unprejudiced, and unsolicited in any way, except to speak the truth, have come forward to give their testimony, and furnished a mass of evidence, consistent and uniform in substance, and corresponding and agreeing, almost to the letter, one with another ; and when the length of time that has elapsed, since the events they elucidate took place, together with the mystery and obscurity those events were purposely enveloped in, are considered, it is truly wonderful that such an accumulation of evidence, at this distance of time, should have been found.

James Drummond, Duke of Perth, continued his residence at Biddick till the time of his decease, which happened in the early part of the month of June, 1782, in the 70th year of his age, and he was buried at the Chapel of Painshaw, in the parish of Hough-ton-le-Spring, on the 10th June, 1782.

It may be proper, and not unimportant, to observe here, that James Drummond died *two years before* the Act, (24. Geo. III. Cap. LVII. 1784) for restoring the forfeited Estates in Scotland, was passed.

He was succeeded by his eldest Son and Heir, James Drummond, who was born at Biddick, and baptized at the Parish Church of Houghton-le-Spring, on the 9th August, 1752.

Having brought the history or memoir of the life of James Drummond to a close, as it appears to be borne out by the evidence adduced on the present occasion, it becomes necessary, according to the proposition before laid down, to exhibit the picture in another point of view, and shew what were the particulars and circumstances of his life, as they have been represented in history, or by report, tradition, or otherwise.

It may be premised, that the circumstance of the reported death of James Drummond, shortly after the battle of Culloden, does not appear to have been noticed, at least as far as has been ascertained, by the historians of the time, and seems not to have found its way into print, until many years afterwards, when, there would seem reason to believe, such report was promulgated, by interested persons, to serve a particular purpose.

The only authors, in whose works the circumstance is mentioned, are the two before-named, viz. "Douglas's Peerage of Scotland," and "Dr. Malcolm's Genealogical Memoir of the House of Drummond,"—both of them works of comparatively modern origin.

First,—Douglas says,—“After the battle of Culloden, he (James Drummond) escaped to the coast of Moidart, where he embarked for France, but his constitution being quite exhausted by fatigue, he died on the passage, 11th May, 1746, just as he had completed his 33d year.”

Secondly,—Dr. Malcolm says,—“After the battle of Culloden, he embarked for France, but, by this time, his constitution being quite exhausted by the fatigues he had undergone, he died on the passage upon the 13th of May, 1746. His body was kept for some days, in expectation of making the land, but the winds continuing contrary, it was at last obliged to be buried in the sea.”

Before proceeding to comment severally on these two accounts, it must strike the reader that they disagree in the date of his death, Douglas making it on the 11th, and Malcolm on the 13th May, 1746;—the discordance is not much, certainly, but when such great authorities differ (and there is no other, as far as is known, to correct them by) it does engender somewhat of a suspicion, that the account itself is not altogether to be relied on.

Douglas's account of the death, is a mere, naked assertion of a fact, unsupported by any evidence, proof, or authority whatever ;—on what grounds, or on what authority, the assertion was made, cannot be gathered from the book, but, standing as it does, it is sufficient to say of it, that is not, as a matter of history, fairly intitled to credit.

Dr. Malcolm, however, having gone much further in his account than Douglas, enables us to draw stronger conclusions, as to the facts of the case, than are to be found in the latter ;—Douglas has only killed his patient, but Dr. Malcolm has also buried him, and, by so doing, has laid the account open to much stronger suspicion as to its accuracy ;—the Dr. says, “ his body was kept for some “ days, in expectation of making the land, but the winds continuing contrary, it was at last obliged to be buried in the “ sea.” The slightest attention to this most improbable account will shew the futility of it ;—it will be recollected that these persons, so represented as on shipboard, were all rebels, and many of them of rank too, totally discomfited, flying to save their lives, and surrounded with almost insuperable difficulties, one of the greatest of which was the difficulty, next to an impossibility, for them to get on board ship at all, the land being covered with soldiers, and the whole coast begirt with the King's ships, for the express purpose of watching for, and apprehending the rebels, and preventing their escape, which, under these circumstances, was rendered almost impossible, and yet we are gravely told, by Dr. Malcolm, that a number of these fugitives, having, somehow or other, surmounted all these difficulties, and got themselves put on shipboard, and in a way to escape to a place of safety, yet were ready and willing, nay anxious, it would appear, to abandon the place of comparative security they had gained, and re-land on the shores they had just, so miraculously almost, quitted, and from no other motive than that (however laudable and proper a one it might be, in a moral and abstract sense) of depositing the dead body of their departed friend and associate, in the earth, instead of the ocean. Again,—it appears, from the same authority, that, during those some days, when they so hovered on the coast, the winds continued contrary for their making the land ;—now, without pretending to much skill in seamanship, it may be assumed, that the wind, which was contrary for their *making* the land, must be fair for their escape *from* that land, and yet, it would seem, from Dr. Malcolm's account, that they waited some days for a wind,

which if it had come on, must inevitably have blown them to destruction, for it is quite obvious, that, to re-land in Scotland, was to throw themselves into the very jaws of justice, and subject their own necks either to the axe or to the halter.

It is to be observed also, that the account given by Dr. Malcolm, is as destitute of support, from evidence, proof, or authority (unless, indeed, the Doctor's own authority be excepted) as Douglas's, and, therefore, on that ground also, no more intitled to credit.

Upon the whole, this story is made up of a mass of improbabilities, sufficient to demonstrate the futility of it, and is an anomaly too monstrous to be sustained for a moment.

It happens, fortunately for the present case, that there is another, and a further opportunity, by which Dr. Malcolm, in the account given in his book of James Drummond's death having taken place in 1746, may be confuted, out of his own mouth, and, fortunately again, the hand that administered the poison, has furnished the antidote.—Dr. Malcolm happens to be one of the evidences brought forward in the present case, and it will be necessary to quote here a part of his deposition, and it is very important.

“The Rev. David Malcolm, LL. D. maketh Oath and saith,
 “that he is a native of the County of Perth,—&c.—and is well
 “acquainted with local accounts of neighbouring families, &c.—
 “that a great part of the estates of Perth, and the castle of Drum-
 “mond, which is the chief seat of the noble family of Drummond,
 “are situated in Strathern, and therefore he (Dr. Malcolm) out of
 “respect to this ancient family, as well as from a natural taste to
 “genealogy and biography, has always enquired into the particu-
 “lars of this distinguished family,—&c.—and that he, in the year
 “1808, published a work intituled, ‘A Genealogical Memoir of
 “the noble and ancient House of Drummond, and of the several
 “branches that have sprung from it,’—&c.—&c.—and that he pub-
 “lished the said work from various manuscripts, particularly from
 “a manuscript left by the Viscount of Strathallan, in 1681, which
 “was laid before him (Dr. Malcolm) by the late Lady Clementina,
 “Baroness of Perth, and the said Lady Perth having requested
 “him to bring the family memoir down to the then present time,
 “he did so, and filled in the account of the late James Drummond,
 “commonly called the Duke of Perth, who was the son of James,
 “the Master of Drummond, and the grandson of James, fourth

“ Earl of Perth, from such materials as were given him, which, as
 “ far as related to the death of the said James Drummond, said to
 “ have taken place at sea, on the 13th May, 1746, from the wounds
 “ he received at the battle of Culloden, was not in accordance with
 “ the general reports in this district of Perth.—That he (Dr. Mal-
 “ colm) has occasionally heard that the said James Drummond,
 “ commonly called the Duke of Perth, survived that period, and
 “ that he some years afterwards visited his forfeited Castle of
 “ Drummond, and estates in Strathern, disguised as an old beggar
 “ man, dressed up in a white or light coloured wig, &c.—&c.—
 “ And he (Dr. Malcolm) further saith, that he distinctly recollects
 “ being told by Mrs. Sommers, the daughter-in-law of Patrick
 “ Drummond, Esq. of Drummondernoch, the particular friend and
 “ companion of the said James Drummond, that the said Duke of
 “ Perth (as he was generally called in the Highlands) was seen
 “ skulking at Drummond Castle, after the battle of Culloden, and
 “ remained there in the neighbourhood, in concealment, a consider-
 “ able time, and common report says, that he, the said James
 “ Drummond, afterwards came to Scotland, in the disguise of an
 “ old beggar man, in order to view his forfeited lands, and see his
 “ tenantry, and that many of his trusty tenants saw him at the
 “ time,—but, from prudent motives, he (Dr. Malcolm) made not
 “ the slightest reference to these reports in his said work; first,
 “ because no peerage author had taken notice of it; and, secondly,
 “ because the matter itself was only interesting to a few, and, if
 “ mentioned by him, might have given rise to illiberal criti-
 “ cisms,” &c.

He (Dr. Malcolm) further says,—“ That this fact is notorious
 “ in the district of Strathern, but he is of opinion that such of the
 “ tenants who saw the said James Drummond at his last visit to
 “ Strathern, disguised as aforesaid, must now be dead, and it may
 “ therefore be difficult to get persons to swear that they heard their
 “ father and mother, or other relatives, say so, for fear of offend-
 “ ing Lord and Lady Gwydyr, who are now in possession of the
 “ estates of Perth, and by their kindness to the tenants are very
 “ popular with them.” And he (Dr. Malcolm) further saith, &c.
 —“ that though he stated in his publication the supposed death of
 “ the said James Drummond at sea, on the 13th May, 1746, from
 “ the materials then laid before him, he shortly after contemplated
 “ to republish the work, with a view to correct all former mis-
 “ statements, and glaring genealogical errors of the noble family;

“from facts which had transpired, and, accordingly, 1810, he
“published proposals for a new and correct edition, &c.—but the
“book being only interesting to the clan Drummond, it was not
“generally patronized, and therefore the plan was dropped by
“him.”

Comment on these documents is scarcely necessary ;—a more complete disproof and refutation of all the dark transactions, and all the gross and glaring falsehoods (for such, beyond all doubt, they are) that have been circulated in Dr. Malcolm's book, or otherwise, cannot well be looked for, or even wished for, than that which his own deposition now furnishes, and it is painful to think that the reverend gentleman, recollecting the garb he wears, should ever have been induced to lend himself to such an imposition. The expressions used by himself in his deposition would go far to warrant an opinion, that he published an account, which he knew, at the time, to be a falsehood ;—at all events, and by his own shewing, he published, in the most unqualified way, as a fact, that which he had every reason to disbelieve. The course he has thought proper to pursue, however, with regard to his book, though it must shake his credit as a historian, nevertheless, in some measure, now redounds to his honour, as a man, that is, one who, conscious that he has fallen (or rather, as in his case it would appear, *has been led*) into error, now comes forward to make atonement, by openly declaring the truth.

With regard to the Lady Clementina, Baroness of Perth, who, it appears, employed Dr. Malcolm, and furnished him with the materials for this romance, it is necessary to observe, that she was the relict of the person who, in 1785, obtained possession of the Perth estates, and who (in 1797) was created a British Peer.

Looking at the peculiar circumstances under which possession of the estates was obtained, it is not to be wondered at, that the Lady Perth should be desirous to throw a veil over transactions, which, if exposed to view, might possibly interfere with the question of right as to the possession of the estates, and, perchance, disturb the succession.

It is to be hoped, after this exposure, we shall hear no more about the death of James Drummond, the Duke of Perth, as having taken place in the month of May, 1746, unless it be to use the information that has been gained, as a weapon, to assist in enabling the true heir of the former proprietor to assert his rights, and cause the property, that has been obtained by such means as

have been stated, to change hands, and revert, agreeably to the Act of Restoration, to the heir of the former owner.

Further and ample testimony, to prove the identity of James Drummond, is contained in the evidence before alluded to, and, assuming that point to be conceded, it becomes necessary to shew how it would affect the title to, and possession of, the estates and honours.

There seems fair ground to contend, that the Act 24. Geo. III. Cap. 57. Sec. 10. (1784) for restoring the forfeited estates, &c. is erroneous and ill founded, in more ways than have been represented in the foregoing discussion of that Act, under the head of observations on the circumstances and case of "*John Drummond*, taking upon himself the stile or title of Lord John Drummond," by *whose* Attainder, as the Act expresses (but this is denied) "the Estate of Perth became forfeited," &c.

Before going into a discussion on this point, however, it may not be improper to draw attention as to what were the views and object of Government, in framing and passing this Act, and a perusal of it will clearly shew, that it was the intention of the Crown to grant or restore the forfeited estates to the *heirs* of the former owners or proprietors *only*, and that they could not legally be granted to any other person, for the act says, (after reciting the former acts under which the estates of certain traitors were forfeited, and annexed to the Crown, &c.) "Whereas, by the experience of many years since that time, it has been found, that no subjects in any part of his Majesty's Dominions are more loyal or dutiful, or better affected to his Majesty's Person and Government, than the Inhabitants of the Highlands of Scotland now are, many of whom, of all ranks and descriptions, have performed signal Services to their Country, in the late Wars between Great Britain and its Enemies, and more particularly the Heirs and Families of all or most of the said attainted Persons have been employed in the Service of their lawful Sovereign, and testified their Loyalty and Zeal upon all occasions, and therefore it is fit that they now receive some Mark of his Majesty's Royal Mercy and Clemency ;—And whereas it is expedient that the said Estates be now disannexed, and restored to the Heirs and Families of the former Owners, upon the Payment of certain Sums on account of the Debts due by the forfeiting Persons, which were discharged by the Public, and under the other conditions herein-after mentioned,"—&c. &c.—The Act then

goes on to enact, "that it shall and may be lawful to his Majesty, &c.—to give, grant, and dispone," &c.—accordingly.

It is to be remarked that, in every case of restoration of estate, recited in this act (except in the case of the Estate of Perth) the specific name of the person, to whom the restoration is to be made, is mentioned, whereas, in the section or clause (X.) relating to the Estate of Perth, the act shews nothing but doubt and uncertainty;—it sets out with giving an erroneous account (as, it is hoped, has been before made appear) as to whose attainder the estate became forfeited by, and then goes on to say, that it is not yet ascertained who is the nearest collateral heir male of the person named in the act.

Now it is contended, that the act is erroneous in a twofold way, and therefore, virtually bad, void, or ineffective, ab origine, (that is to say, as far as it relates to the Perth Estates)—First,—because it ascribes the forfeiture of the estates to the attainder of a wrong person,—and,—secondly,—because, even supposing, for a moment, that he were the right person,—the individual to whom the estates were granted, was not his legal heir. The clear inference to be drawn from this is, that the Estate of Perth ought to be considered as *still* vested in the crown, and remains to be granted or restored, de novo, to the legal male heirs of the House of Drummond, in such way, and by such a new act, as Parliament, in its wisdom, may deem proper.

The Act (of Attainder) 19 Geo. II. (1746) recites,—that,—
 "James Drummond, taking upon himself the Title of Duke of
 "Perth;—John Drummond, taking upon himself the Stile or Ti-
 "tle of Lord John Drummond, Brother to James Drummond,
 "taking on himself the Title of Duke of Perth,"—(and divers
 "other persons, named) "on or before the 18th Day of April, in
 "the Year 1746, did, in a traitorous and hostile Manner, take up
 "Arms, and levy War against his Most Gracious Majesty, within
 "this Realm, contrary to the Duty of their Allegiance, and are fled
 "to avoid their being apprehended and prosecuted according to Law
 "for their said Offences. Be it therefore enacted, by the King's
 "most excellent Majesty, by and with the Advice and Consent of
 "the Lords Spiritual and Temporal, and Commons in this present
 "Parliament assembled, and by the Authority of the same, that
 "if the said James Drummond, taking upon himself the Title of
 "Duke of Perth,—John Drummond, taking upon himself the Stile
 "or Title of Lord John Drummond, Brother to James Drum-

“mond, taking on himself the Title of Duke of Perth,”—(and the other persons named)—“shall not render themselves to one of his Majesty’s Justices of the Peace on or before the 12th Day of July, in the Year 1746, and submit to Justice for the Treasons aforesaid, then every one of them the said—James Drummond, &c. &c.” —(as before, naming all the persons) “not rendering himself as aforesaid, and not submitting to Justice as aforesaid, shall, from and after the said 18th Day of April, in the Year 1746, stand and be adjudged attainted of the said High Treason, to all Intents and Purposes whatsoever, and shall suffer and forfeit as a Person attainted of High Treason by the Laws of the Land ought to suffer and forfeit ;”—&c.—&c.

The plain and obvious conclusion to be come to, and a most important one it is, in the present case, is,—that, *the Estate of Perth became forfeited by the Attainder of JAMES DRUMMOND, taking upon himself the Title of Duke of Perth*,—because—he was, under the said Act (19 Geo. II. 1746) charged with High Treason and did not “render himself to a Justice of the Peace, or submit to Justice,” on or before the 12th day of July, 1746, although then living, and for many years afterwards, and therefore, clearly “stood and was adjudged attainted,” according to the terms of the said Act. The natural consequence of all this is, that, at whatever period of time a restoration of the Estates might be made, or take place, it could not legally be granted otherwise than as the Estates having become forfeited by the *Attainder of James Drummond, taking upon himself the Title of Duke of Perth*.

There is still another way in which the Act (24, Geo. III. Cap. LVII. Sec. 10. 1784) for restoring the forfeited Estates, &c. may be construed, favourable to James Drummond, as heir, even under the erroneous way in which the Act stands, as asserting the forfeiture of the estates to have arisen from the attainder of John Drummond, and admitting also, that the assertion, being contained in an Act of Parliament, must be deemed absolute and conclusive, and superior to, and prohibiting contradiction, and which ought not to be, or cannot be disturbed or disputed, but must be taken for granted as the fact, and in the way it is expressed, yet, nevertheless, it may be contended, even under this construction, that James Drummond was the legal heir of John Drummond, because, John Drummond having died without leaving Issue Lawful of his body, his elder (and only) Brother, James Drummond, being *still living*, was, indisputably, and by all the laws of the

land, John's heir. Therefore, let this act be construed in all the ways that ingenuity or sophistry can devise, it seems impossible to come to any other conclusion than this, that *James Drummond* was the legal heir to the estates, in whatever situation they might be placed, and, if *he* was the heir, *his* heirs and successors must stand in precisely the same situation at this moment.

If these axioms be true (and that they are true, it is hoped the arguments and evidence adduced on the present occasion, prove, beyond the possibility almost of a contradiction) then have the present possessors of the estates obtained them wrongfully, and Justice now calls upon them to surrender them into the hands of those who are legally intitled to them.

It may further be remarked, that a careful perusal of the Act of Attainder (19, Geo. II. 1746) with a strict attention to dates, will it is presumed, afford another, and a strong argument, in favour of the hypothesis, as it may be termed, that James Drummond, (called Duke of Perth) *did not die*, at sea or otherwise, on the 11th or 13th of May (for it has been represented both ways) 1746, as was reported ;—the act was passed on the 4th June, 1746 ;—it charges, as has been before recited, that certain persons, (James Drummond among the rest) had been engaged in rebellion, on or before the 18th April, 1746, &c.—and had fled to avoid their being apprehended, and enacts that if they did not surrender themselves to Justice, on or before the 12th July, 1746, they should stand and be adjudged attainted of High Treason, &c. &c. The battle of Culloden took place on the 16th April, 1746, and James Drummond is said to have died about the 11th May following ;—now if his death did actually take place at that time, a period of some weeks must have ensued between that event and the time of passing the act, and, as witnesses were examined, both in the House of Lords, and House of Commons, to prove the guilt of the persons named in the Act or Bill of Attainder, during its progress through Parliament, and before it was passed, the circumstance of James Drummond's death, if it had really occurred, must have been well known to Government, and it is reasonable to infer, would have caused some alteration in the terms of the Act, for, as it stands now, the name of James Drummond is enrolled in it, in common with the other persons named therein, generally, as one among many living personages (for nothing appears to the contrary) who had fled to avoid being apprehended, &c.—whereas, if his death had taken place, he would most likely have been noticed

in the Act (if, indeed, his name had been included in it at all) as *the late James Drummond*, or something of that sort, for it is an absurdity, almost to suppose, that Parliament, with this knowledge before it, would have gone the length in their proceedings, of attainting a dead man.

It having been shewn that James Drummond, commonly called Duke of Perth, who was concerned in the rebellion (1745, &c.) and fled, after the battle of Culloden, to avoid his being apprehended, was living on the 12th day of July, 1746, and was attainted of High Treason (by Act 19, Geo. II. 1746) from and after the 18th day of April, 1746, whereby the Estate of Perth became forfeited, and was, by Act 20, Geo. II. (1747) declared to be vested in his Majesty, without any office or inquisition thereof hereafter to be taken or found, and without any Declarator of forfeiture to be obtained—&c.—It may be contended, that the said Estate of Perth still remains vested in his Majesty, notwithstanding the supposed grant of it, in 1785, to the late James Drummond, the father of Lady Gwydyr (whose husband, the present Lord Gwydyr, is, in her right, now in possession of the estate in question) because the Act 25, Geo. III. (1762) intituled—“An Act for annexing certain forfeited Estates in Scotland to the Crown unalienably; and for making Satisfaction to the lawful Creditors thereupon; and to establish a Method of managing the same; and applying the Rents and Profits thereof, for the better civilizing and improving the Highlands of Scotland, and preventing Disorders there for the future.”—And the Act 24, Geo. III. Cap. LVII. (1784), intituled, “An Act to enable his Majesty to grant to the Heirs of the former Proprietors, upon certain Terms and Conditions, the forfeited Estates in Scotland, which were put under the Management of a Board of Trustees, by an Act passed in the Twenty-fifth Year of the Reign of his late Majesty, King George the Second; and to repeal the said Act;”—under the provisions of which latter Act, his late Majesty, King George III. made the grant already referred to, to the father of Lady Gwydyr, do not affect the Estate of Perth, forfeited by the Attainder of James Drummond, taking on himself the Stile or Title of Duke of Perth, but only “the Estate of Perth, which became forfeited by the Attainder of John Drummond, taking upon himself the Stile or Title of Lord John Drummond, Brother to James Drummond, taking on himself the Stile or Title of Duke of Perth;”—consequently, if the Es-

tate of Perth, forfeited by the Attainder of James Drummond, was granted by his late Majesty to Lady Gwydyr's father, under the provisions of an Act of Parliament, by which his said late Majesty was only enabled to grant the Estate of Perth, forfeited by the Attainder of John Drummond, such grant was made upon a false suggestion, and therefore the King may, by virtue of his prerogative, repeal his own grant, and, it is conceived, that when a grant is made to the prejudice of a subject (and in this case, the heir of the former owner of the Perth Estate is undoubtedly prejudiced, for it will be recollected that the Legislature, in the preamble of the Act 24, Geo. III. Cap. 57. (1784) declared it to be expedient that the estate should be restored to the heir of the former owner) the King is, of right, bound to permit him (the subject), upon his petition, to use the King's name, for the repeal of the grant, at the King's suit.

Considerable information relating to the Drummond family, and the estates and titles, and circumstances connected therewith, may be gained from a pamphlet, intituled, "The Detection of Infamy ; earnestly recommended to the Justice and Deliberation of the Imperial Parliament of Great Britain. By an unfortunate Nobleman. With the Appeal of Charles Edward (Drummond), Duke of Melfort, &c. Heir Male, and chief Representative of the House of Drummond, of Perth, submitted to the consideration of the Two Houses of Parliament of the United Kingdom of Great Britain," &c. 8vo. London, 1816.

Before entering into a detail of the particulars gathered from this pamphlet, it may be as well to premise, that the author of it is the person, calling himself "Count Melfort," (which, it is believed, is a French Title), who, as it appears by her evidence (hereunto annexed), "waited on Mrs. Elizabeth Peters, some years ago, "and called her his 'cousin,' and inquired if she was possessed "of any family documents to shew him, as he said he had heard "of her rank, and supposed that she could assist him in his claims "for the restored family estates, which, as the nearest *male* heir, "undoubtedly belonged to him, and added, that he should gratefully reward her for her services ;—upon which she let him know "that *he* could not be the nearest heir male, while her *brother*, "and his *sons*, were alive, as they were lineally descended from "James Drummond, commonly called the Duke of Perth, who survived the battle of Culloden, and who had afterwards married, "and had issue, and who himself had died only a very few years

“ago. The Count stood amazed at this intelligence, and frankly
“acknowledged, that, till that *moment*, he had always believed
“that *no male* issue of the Duke existed, though he had heard that
“he had left daughters. The Count then took his leave, evidently
“chagrined and disappointed.”

It would seem that Count Melfort also (like another person, who had, however, been more successful) had founded his claim to the estate of Perth, on the assumption that James Drummond had died, without leaving issue male.

It is understood that this person (Count Melfort) is a descendant (it is believed, great grandson) of John Drummond, the second son of James Drummond, third Earl of Perth, and the younger brother of James Drummond, fourth Earl of Perth (who was grandfather of James Drummond, commonly called Duke of Perth, who was engaged in the rebellion, 1745). The said John Drummond was born 8th August, 1650, and died in 1714. He was raised to the dignity of the peerage, by the title of Viscount Melfort, on the 20th April, 1685, by King James II., and, by the same monarch, further dignified by the title of Earl of Melfort, &c.' by patent, dated 12th August, 1686. He attached himself to the Stuart family, and, on the abdication of James II. attended him to France, and afterwards retired with him to St. Germain, where the abdicated monarch created him Duke of Melfort, as has been before alluded to herein, in the account of the third Earl of Perth.

Count Melfort, it would appear, is a Roman Catholic Priest, and officiated as such, at the Roman Catholic Chapel, in Moorfields, London, some years back ;—it is believed he is still living, but at a very advanced age, and resides in France, in the same capacity.

It would appear, from his dialogue with Mrs. Peters, that he founded his claim to the Perth Estates, on his being the nearest relation to the former owner, it not being generally known (or, at least, Count Melfort did not know) at that time, that there were in existence, in the descendants of James Drummond, commonly called Duke of Perth, individuals possessing a claim superior to his, and, indeed, to that of every other person.

It would seem from his own representations, that his exertions were, in a great measure, rendered abortive, from the want of funds, but, however this may be, there is reason to believe, that his adversaries or opponents perceived so much weight to exist in

his claim, as to be induced to "buy him off," and it has been reported, that he now subsists, in a great measure, on a yearly stipend or allowance, furnished to him by the successful party, or their friends, in order, to use a homely phrase, "to stop his mouth."

Before proceeding, however, to analyze more particularly Count Melfort's book, it may not be improper here to observe, that, if the account it gives, with regard to the way in which possession of the Perth Estates has been obtained, be correct, it proves, to a demonstration almost, that the whole transaction, from beginning to end, has been an imposture and a conspiracy throughout, and that, in such conspiracy, persons of high rank are implicated, and appear to have been participants in the spoil.

The account, or history, given in the book, is, in substance, as follows ;—it is, as the title implies, an appeal to the Two Houses of Parliament, and it "solicits Parliament to cause an investigation "to be made into the nature of his (Count Melfort's) case, where—"from it may be collected whether he has not been deprived of his "legal inheritance by *the substitution of a spurious person to wrest* "it from him ; and whether *Parliament itself has not been imposed* "upon, and thereby made the unintentional instrument to inflict "upon him so severe a stroke of injustice ?

"The circumstances in which this case stands involved, are "certainly of rather an intricate nature, but not so intricate as to "require any thing more than a serious inquiry to ascertain the "truth.

"The degree of criminality which may attach to the conduct of "a distinguished Nobleman, now no more, may appear of a deep "and flagitious dye ; but when it shall be considered, that in his "life-time he was impeached for certain High Crimes and Misdemeanours, and that on the occasion of his trial, his very judges "were divided in their opinions as to his guilt, there seems no reason to believe that he might not be prone to the perpetration of "the flagrant act, which the subsequent statement presents a suspicion that he contrived and effectuated."

Count Melfort then proceeds to give a short history of the Pedigree of the (Drummond) Family, which, as it agrees, in general, with that herein-before stated (excepting, always, the circumstance of the reported death, in 1746, of James Drummond, Duke of Perth, &c.), it is not necessary to repeat here, but it may not be improper to furnish some more particular account than has yet

been given, as to who this James Drummond was, that did succeed (or, perhaps, it may be more suitable, on the whole, to say here, ought to have succeeded) to the possession of the Estates.

James Lundin, of Lundin, born 6th November, 1707, succeeded his father, 1735, was served and retoured nearest heir male and of provision to Edward Drummond (stiled Duke of Perth), 30th June, 1760, and nearest lawful heir male of James, fourth Earl of Perth, 15th May, 1766. He assumed the name of Drummond, and title of Earl of Perth, and died at Stobhall, 18th July, 1781, in his 74th year. He married Lady Rachel Bruce, third daughter of Thomas, seventh Earl of Kincardine, and by her, who died at Lundin, 29th June, 1769, had issue.

1. Robert Drummond, who died at Lundin, 10th May, 1758, æta. 17, and unmarried.

2. Thomas, stiled Lord Drummond, who was an officer in the army. He was at New York in 1776. He was taken prisoner by the Americans, but Washington gave him liberty to go back to New York on his parole. The climate being too cold for his weak constitution, he went to Bermudas, where he resided four years, and died there, in November, 1781, unmarried.

3. JAMES DRUMMOND, the only surviving son, born 24th September, 1744, had an Ensigh's commission in the 66th Regiment of foot, 1771, a Lieutenancy, in the same, 1775, and, in 1780, was appointed a Captain in the second battalion of the 42d, or Royal Scots Highlanders, which was then about being formed, and was destined for the East Indies.

This is the person who has commonly been designated by the name of the Honourable Captain James Drummond, and who (or else his *Personificator*, as Count Melfort expresses it in his book) obtained possession of the Estates of Perth, in 1785.

Count Melfort proceeds with the account in his book, as follows :—

“ This Honourable James Drummond, when he was made a Captain, was, (as almost every honest person in Scotland knew) in the last stage of a consumption, owing to wounds which he received some years before at Edinburgh, when he was attempted to be assassinated by some ruffians, who stabbed him with a knife, of which the point broke in, and was afterwards extracted from his breast.”

“ From this circumstance it was judged impossible for him to live long; but, as the second battalion of the 42d Highlanders

"was destined for the East Indies, it was sedulously reported, that he *was gone thither*, notwithstanding the opinion of the physicians who attended him, that *he could not overpass the line.*"

"This prognostication of the faculty seems to have been confirmed; for, instead of going to the East Indies, he was debarked at Lisbon, and *there died*, as the following copy from the register of burials of the British Factory at Lisbon will testify."

"Certificate of Burial."

"Lord James Drummond, aged 35 years, was buried on the 13th of August, in the year 1780."

"I certify that the above is a faithful Extract from the said Register. Taken at Lisbon, this 14th of October, 1807, by me,

"HERBERT HILL, M. A."

"His Britannic Majesty's Chaplain to the Factory at Lisbon."

I, William Williamson, Vice-Consul to the British Nation in the City of Lisbon, do hereby certify unto all whom it doth or may concern, that the above Signature is of the proper Hand-writing of Herbert Hill, M. A. his Britannic Majesty's Chaplain for the British Factory at Lisbon, and that full and entire Faith and Credit are and should always be had and given in Court of Judicature or thereout.

"Given under my Hand and Seal of Office at Lisbon, the 14th of October, 1807.

"WM. WILLIAMSON, Vice-Consul."

"These certificates from Lisbon are further corroborated by the following extract from a book, No. I. containing (among other things) the register of burials of persons belonging to the British Factory at Lisbon, from the 20th of August, 1721, to the 30th of December, 1793, and now remaining in the principal registry of the Archiepiscopal See of Canterbury, kept at the Vicar General's office, Doctor's Commons."

"1780. Burials."

"August the thirteenth, Lord James Drummond, aged thirty-five years."

"Examined with the original by me,

"THO. CHARLTON,

"Clerk in the Vicar General's office."

“ By these documents it appears certain, that JAMES, one of
 “ the sons of the Earl of Perth, went to Lisbon, died there, and
 “ was there buried on the 13th August, 1780, being of the age of
 “ thirty-five years ; it is also certain that his disorder was a deep
 “ decline, and that he was the last son of the person called the
 Earl of Perth.

“ But notwithstanding this plain proof of the real fact, there is
 “ some reason to suspect that other documents have been fabri-
 “ cated, or altered at Lisbon, with a view to defeat the decisive
 “ point, which the evidence of the death of the Honourable James
 “ Drummond (or Lord James Drummond) would establish, namely,
 “ that the late Lord Perth was a person *alieni generis*. For this
 “ purpose the documents in question affect to call the Honourable
 “ James Drummond, *Lord Drummond*, without any christian
 “ name. It is pretended, that he made some testamentary dispo-
 “ sitions, which he could not sign, by reason of his weakness, but
 “ were sworn to by his physician, Dr. Hare (*who is dead*), and other
 “ witnesses, (*who are also dead*) ;—that these dispositions were
 “ inserted in the books of the Vice Consulate at Lisbon, *but those*
 “ *books are missing*. So that no information can be had from them
 “ of the christian name of the pretended Lord Drummond.”—A
 note at the bottom of page 16 of Count Melfort’s book, expresses
 as follows:—“ It is to be considered, that whether stiled the Ho-
 “ nourable James Drummond, or Lord James Drummond, the de-
 “ scription of James Drummond relates to one and the same person,
 “ the difference merely being whether his father was designated
 “ Earl or Duke of Perth.

The account in the book proceeds thus:—

“ But whether the person who really died at Lisbon, in August,
 “ 1780, be denominated the Lord James Drummond, or Lord
 “ Drummond, the *distinction* becomes *immaterial*, as by the death
 “ of the said person, however described, it is *certain, that with*
 “ *him* terminated the *male line* of the issue of the Earl of Melfort
 “ by his first wife Sophia Lundin.

“ On this important occurrence the scene begins to open. It is
 “ almost in the remembrance of every one, that some time about
 “ 1783, the forfeited estates of Scotland were talked of, as being
 “ about to be restored to the families of their former owners ; at
 “ which period, the only heirs remaining of the Family of Perth,
 “ were the Drummonds of the line of Melfort, then residing in
 “ France ; but the death of the Honourable James Drummond

“(or Lord James Drummond) was not then made known, or the place of his burial, and though it began to be propagated, yet being unauthenticated, it was affected to be given out, ‘*that he was gone to the East Indies with the 42nd Regiment, and was waiting his return with it.*’

“Thus the British parliament, *uncertain to what person the Perth Estate should be restored*, under that degree of doubt, passed the Act 24, Geo. III. Cap. LVII. (1784) so often referred to herein.

“Now in the year 1783, there was in the East Indies an officer named John or James Drummond, *an Ensign*, in the first battalion of the 73d Regiment of Highlanders; of this regiment, it is well known that the second battalion, which was at Gibraltar, was reduced or disbanded about the said year 1783, in order to be incorporated into the second battalion of the 42d Highlanders, and that the officers of the said second battalion of the 73d were put on half-pay, as appears from the army-list of the years 1785 and 1786.

“In 1786, the said John or James Drummond was removed from the first battalion of the 73d Regiment before mentioned, and was placed on the half-pay of the second battalion of the same regiment, which second battalion, as before observed, became incorporated in the second battalion of the 42d Highlanders; but the said James was not put upon half-pay as an Ensign.”

“About two years after, the name of James Drummond appears on the half-pay of the 71st Regiment, as having been a captain in the 42d, in which last-named regiment, the *Honourable James Drummond*, according to the printed army-list, had his name continued from 1780 to 1784. It, however, seems an irreconcilable point to consider this Captain *James Drummond*, and the *Honourable James Drummond*, as one and the same person, for if no other circumstance was in the way, the Duke of Melfort has obtained a note from the War Office, which states, viz.

“‘The *Honourable James Drummond*, Captain in the 42d Foot, was put on half-pay in the year 1786.’”

“In 1807, he was struck out of the half-pay list, as having not received the pay as such.”

“From these particulars the conclusion which obtrudes itself is, that every artful endeavour was resorted to for the purpose of concealing, or involving in uncertainty, the death of the Honour-

“able James Drummond at Lisbon, as before mentioned, in 1780,
 “and for bringing forward *the person of substitution*, who was to
 “claim the great and noble inheritance of the Perth Family.

“The *friends* of the late Lord Perth of course must know *who*
 “*was his legal Father*, and whether instead of *James* the son of
 “James Drummond, of Lundin, he was not rather John, the son
 “of Colin Drummond, of Megginch, and nephew to Adam Drum-
 “mond, M. P. Excepting however for the infamy and injustice
 “of the *false personification*, if such there was, the case at the pre-
 “sent day is not changed, so far as relates to the Duke of Mel-
 “fort’s right of succession to the honours and estates of his family,
 “for even supposing that the late Lord Perth *was truly the person*
 “*he described himself, or was represented to be* ; that he was the
 “only surviving son of James Drummond, of Lundin, and not the
 “son of Colin Drummond, of Megginch ; that he was really the
 “same Honourable James Drummond who, in 1780, was in so de-
 “plorable a state of health, as for his physicians to despair of his
 “recovery, and who got the better of his deep decline in spite of
 “their prognostications ; and that he was not a red-haired man,
 “but dark, as the Honourable James Drummond was known to
 “be,—the right of the Duke of Melfort to the patrimony in ques-
 “tion has not become altered.”

Here Count Melfort adduces arguments in support of his own right to the succession, but as they do not affect, and have no bearing on, the present case or question, it is quite unnecessary to quote them here.

At the bottom of page 19 of the book is the following note :—
 “This Colin Drummond, of Megginch, had been Collector of the
 “Cess (Excise) in Perthshire ; was afterwards Deputy Paymaster
 “of Quebec, and one of the Commissariat General in Canada.
 “His elder brother, Adam Drummond, of Megginch, was a
 “Member of Parliament, and *had the use of Drummond Castle*,
 “where he resided from 1746, until the restoration of the estate
 “by the Act of Parliament. By this circumstance, he had the
 “opportunity of possessing himself of the most material papers,
 “deeds, settlements, and documents relating to the Perth Title
 “and Estates, and consequently of rendering them eminently use-
 “ful in the aggrandisement of his family ; while his parliamentary
 “importance made him a fit person to be courted and accommo-
 “dated by those who, at the same time, could thereby serve their
 “own public and private interest.”

The Duke of Melfort proceeds.—“On this ground the Duke of Melfort, according to the opinions of the most eminent Counsel, both English and Scotch, namely, Sir Samuel Romilly, Mr. Serjeant Best, Mr. Nolan, Mr. Henry Erskine, Mr. Dale, Messrs. Matthew, Ross, Fletcher, Thompson, and others, is advised, that his claim is good, if attended to, and pursued in the proper manner, and with adequate means.

“In support of the statement, that the entail and investiture of the Perth Estates were to heirs male, the proofs are to be collected from divers charters among the Public Archives of Scotland, at all times ready to be adduced.”

Extracts from some of these are subjoined.

“Upon the 11th day of October, 1687, James, the fourth Earl of Perth, and Chancellor of Scotland, executed a settlement and strict entail of his estate, and soon after, viz. on the 17th of November, 1687, a charter of ‘*novo damus*’ was granted to his son Lord James Drummond, by King James II. in terms of the entail, whereby the estate was settled upon the same series of heirs to whom the title was soon after limited. The Earl likewise resigned his honours into the King’s hands, and of the same date received a new patent to himself and his eldest lawful son and his heirs male, whom failing, to the Earl’s other issue male, procreated, or to be procreated, whom failing, to the Earl’s brother-german John Earl of Melfort, and his heirs male, whom failing, to the heirs male of John the second Earl of Perth.

“After this another Charter of ‘*novo damus*’ was granted to James, fourth Earl of Perth, the Chancellor before mentioned; this Charter is dated July 13th, 1688, and was upon record prior to the Revolution in 1688, and now remains, unless *some particular persons, for sinister purposes, have caused the same to be erased or withdrawn.*

“Under the recitement of the Act of Parliament (24 Geo. III. Cap. LVII. 1784) for the restoration of the Perth Estates, the Duke of Melfort cannot but feel a conviction of his legal right thereto, and that it was in the principle of justice by which the British Parliament was induced to the said restoration, the undoubted intention of the legislature to leave the inheritance of the said Estates to descend unto those heirs who by the charters of entail were nominated to succeed thereto.

“The grant therefore which was made to the late James Drummond (afterwards Lord Perth) of the Estates *in fee* instead of

“in *tail male*, impresses the Duke of Melfort (as he is prone to believe it must every honest man) with a thorough sentiment, that Parliament would never have sanctioned a grant so contrary to the apparent meaning of the preamble of the benevolent act of the 24th Geo. III. before-cited, had there not been a misrepresentation made (and facts with-holden) with regard to the situation of the parties who were in truth those to whom the restoration ought to have been made, and so made, as to have fulfilled the intentions and directions of the original settlers of the said estates, the nature of whose investitures were *indeed pointed out by the preamble* of the benevolent act, but were entirely *negatived* by the subsequent clause in favour of the *heirs and assigns of such heir male* ; which amounted to a *grant in fee*.

“It is to be observed, that in pursuance of the said Act of 24 Geo. III. the right of succession opened to James Lewis Drummond, late Duke of Melfort, elder brother to Charles Edward, the present claimant ; but a person calling himself Captain James Drummond, and representing himself to be the *Honourable James Drummond*, only surviving son of James Drummond of Lundin, came forward as *that heir male*, who, according to the Act of restoration, was entitled to the inheritance of the Perth Estates.

“The seclusion of the Duke of Melfort in France, and his utter ignorance that he had become the chief heir male of the Perth line, contributed much to the success of this Mr. Drummond’s substitution, who being supported by a very powerful patron, had no opponent capable to contend with him, or rebut his pretensions.

“Under this state of the case it is evident that the wording of the Act of Parliament of the 24 Geo. III. so far as relates to the Perth Estates, viz.—to *heirs and assigns*, was surreptitiously introduced, and wilfully intended to operate against the true heir entitled to the succession, with a view to render the possession, meant to be given to the person who afterwards obtained the same, so perfect, as to enable him to dispose of any part thereof for the remuneration of those who promoted, patronised, and assisted him in the acquisition thereof, a purpose which *could not have been effected*, had the said Estates been given back by Parliament to have been enjoyed according to the family entails by *heirs male only*.

“ Conclusion ”—(by the Duke of Melfort, in his book.)

“ My Lords and Gentlemen,

“ The preceding statement is, with all due respect, submitted to your candour ; nothing more is requested than that you should take the subject into your serious consideration, and do on the occasion as to your wisdom may seem meet, and to your ideas of equal justice may appear the most conformable.

“ Under all the particulars of the case, an investigation seems necessary to be had, in order that it may be ascertained, whether the late Mr. John or James Drummond, alias Lord Perth, was not spuriously substituted for the Honourable James Drummond,—whether the British Senate was not imposed upon, by a misrepresentation of facts, relating to the investitures and entail of the Perth Estates, and by the suppression of information which might have been, and ought to have been adduced, on that head,—whether a deceased noble statesman was not accessory to the impostorship of Person, and all the concomitant malversations which are suspected to have taken place on the behalf of Mr. John or James Drummond as aforesaid,—and whether the said noble statesman did not, in reward for his eminent services on the occasion, obtain the Perth Estate of Duneira, near Drummond Castle?

“ It certainly has been reported that the noble Lord *bought* the estate, as also, that he *otherwise obtained* it ; but the one report is imagined to have been propagated for the purpose of misleading the minds of indifferent persons, while the other is believed to have originated in the genuine disposition of unbiased people, inclined to speak the *real sentiments* of their minds, conviction.’

“ The purchase story seems to be founded upon the circumstance that, when certain parts of the Perth Estate were offered for sale, in order to raise the sum of £52,547. 1s. 6d. charged on them by Government, there was a great demur on the side of those who were disposed to become purchasers, by reason that the estates were considered under a *strict entail*, and as such, the power to sell was viewed in an equivocal light.

“ To remove this obstacle, it is stated that the noble Lord put himself at the head of the *list of purchasers*, and thereby set an example for others to follow.

“ But this specious countenance has not taken away the suspicion that the whole *was a trick* ; that the same was a *nominality*

“ of purchase, without any real consideration paid, though the consideration might have been previously performed. Indeed, could it for one moment be deemed that the estate was acquired for an absolute money consideration after a fair rate of value, an awkward surmise might arise, as to the quarter from whence the said purchase money was obtained ;—the public mind has already had its suspicions, and the purchase of this estate would not render them the more unfounded.

“ The Duke of Melfort is by no means disposed to make false insinuations against any man ; he scorns calumny, though he has suffered much under its effects from the spleen of his enemies ; but he feels it a duty he owes to himself, and to the honour of the very ancient and noble family of which he is the *heir male representative*, to assert in the face of the world those causes, which he, in strictness of truth, believes to have been surreptitiously and unjustly exercised against him, to the depriving him of his birth-right, to the slander of his reputation, and to the discredit of that Government, under which he looks upon himself entitled to the rights of a British subject.

“ The Duke of Melfort does not call upon the Parliament of Great Britain to take upon itself the decision of his claim to the honours and estates of Perth, but only applies to them to make a revision of that act, which he considers to have been passed to his injury, under a most wicked attempt by his spoliators to pervert the pure course of parliamentary justice.

“ The Duke, notwithstanding his sufferings, the distress his adversaries have occasioned him, and the ignominies they have cast upon him, yet looks up to the British Senate not to suffer the act in question to remain unreviewed. He then pins his faith in the national honour of that assembly to render him justice upon that point, without making any interference upon the nature of what other proceedings may be requisite for him to adopt, in order to establish his claims to the dignities and estates of Perth, but leaving the same open for him to pursue in such of the courts of Judicature as may be most proper to make a legal decision thereon.”

Here Count Melfort's book concludes.

Prefixed to the book is a genealogical table of the House of Drummond, wherein the person who obtained the estates, in 1785, is thus designated. “ John alias James Drummond, Personificator of the Right of Descent and Heirship to the Perth Estates, on

“their Restoration in 1784, and by favour somehow or other obtained the same; created Lord Perth, and died in 1800,” leaving issue—“Clementina, only Daughter, now wife of the Hon. Peter Rob. Burrel, who has taken the name of Drummond.”

With regard to the credit due, or not due, to Count Melfort's statement in his book, not one word will here be said;—the substance of the book has been fairly laid down before the reader, who is left to form his own judgment on it.

JAMES DRUMMOND, eldest son and heir of James Drummond, commonly called Duke of Perth, was born at Biddick, and baptized at the parish church of Houghton-le-Spring, August 9th, 1752, and married at the Chapel of Painshaw, in the parish of Houghton-le-Spring, April 2d, 1776, Margaret Pearson, of the same parish.—He died on the 7th February, 1823, and was buried at the Chapel of Painshaw, on the 11th February, 1823.

His relict is still living.—They had several children, sons and daughters, of whom the eldest son is THOMAS DRUMMOND, the CLAIMANT, who was born April 3d, 1792, and baptized at the Chapel of Painshaw, in the Parish of Houghton-le-Spring, June 17th, 1792.

JAMES DRUMMOND was, as has been before stated, brought up in the employment of a “pitman,” and followed the occupation to the time of his death, or as long as his health and strength would permit, and he seems to have imbibed the principle before mentioned as so predominant with pitmen, of bringing up his sons to the same occupation, and they were so brought up accordingly.

It has been remarked before herein, that James Drummond (the father, or Duke of Perth) died two years before the passing of the act for the restoration of the forfeited estates; this, of course, precluded the possibility of his making any application for them;—but it may be asked,—why did his eldest son, James Drummond, not make application at the time?—This, at first sight, may seem rather a startling question, inasmuch as if he had come forward at the time, when complete evidence of his father's identity was at hand, there can be no doubt that his application must and would have been successful;—a little attention, however, to the circumstances and situation in which he was then placed, will, it is hoped, remove any objection that may be made as to his apparent supineness;—secluded from the world, and, in a great measure, from the light of day,—thinking of nothing, and know-

ing nothing almost, but how he might best labour in his occupation for his daily subsistence,—out of the reach of knowledge of what was passing in the world at large, and hardly acquainted with the occurrences of the next village, it is not surprising that he should remain ignorant of public transactions, or affairs of the state, and the matter in which he was so deeply interested, was, undoubtedly, a state affair;—moreover, he was not in possession of a shilling more than was necessary to purchase the daily bread for himself and his family, and had no means of obtaining information, and, when the family did learn that the estates had been given to some person, the knowledge they possessed of the nature and state of the case went no further than this,—that they understood the estates had, by the offences of their father, become the property of the king, and that he might do what he would with them, and dispose of them as he pleased, and to whom he pleased;—added to this, James Drummond is understood to have been a person of timid and inactive disposition, and what is more, it would appear that he and the family were impressed with a strange and unaccountable notion, or rather a fatuity, that not only the life of their father, but the lives of the whole family, descendants and all, were in jeopardy, and liable to be sacrificed for his crime.—Under all these circumstances, it is not surprising that James Drummond should remain inert to the end of his life.

But it ought not to be inferred, from his dilatoriness, that he was indifferent to, or regardless of, the nature and object of his rights and his claim, but only that he, the heir male, and the person who, alone, could actually derive benefit from the concern, did not make himself, as it certainly would have been wise in him to have done, the prominent figure, as it were, in the necessary inquiries into the case, and become the prime mover and agitator of the question; whereas, it would seem, he contented himself with joining with the family generally, in a kind of association for prosecuting inquiry, for it is in proof, from the evidence, particularly that of Mrs. Elizabeth Peters, that the family never lost sight of the main question, but, on the contrary, have, at various times, and at all opportunities, exerted themselves, and left no means untried that were within their power, to discover the true state of the case, and recover their rights, if possible.

This is proved, beyond the possibility of doubt, by the evidence of Mrs. Peters, who states, with minuteness, the substance of a conversation she had with the late Lady Perth (relict of Lord

Perth) and her daughter (the present Lady Gwydyr) at an interview which took place in London, several years ago, when the consanguinity of Mrs. Peters, and, a fortiori, the identity of James Drummond, her father, were not denied by the ladies.—A subsequent attempt, however, of Mrs. Peters, to obtain another interview with Lady Perth and her daughter was unsuccessful;—the applicant, on sending up her name, was told the ladies were “*not at home.*”—It is not difficult to assign a reason for this subterfuge being resorted to;—Mrs. Peters seemed likely to become, to use rather an uncouth phrase, a “troublesome customer” to the ladies, and it is a maxim held good in some families, that the sooner you can shake off your poor relations, the better.

Matters continued in much the same state until the death of James Drummond, which took place on the 7th February, 1823, and he was buried at the Chapel of Painshaw, on the 11th February, 1823. He left several children, sons and daughters, of whom the eldest son is THOMAS DRUMMOND, the CLAIMANT.

It is hoped satisfactory reason has been shewn why more active measures, with regard to the great family question, were not adopted in his (James Drummond's) life-time.

THOMAS DRUMMOND,

THE CLAIMANT.

THOMAS DRUMMOND, eldest Son and Heir of James Drummond, last mentioned, Grandson of James Drummond, commonly called DUKE of PERTH; and Great Great Grandson, and Heir of Male and of Line, of JAMES, FOURTH EARL of PERTH:—was born April 3d, 1792, and baptized at the Chapel of Painshaw, in the Parish of Houghton-le-Spring, June 17th, 1792.

He is married, and has several children, sons and daughters;—his eldest son is named James Drummond, and he has a younger son, named John Drummond.

Thomas Drummond, shortly after the death of his father, and being, moreover, well aware of the nature and justness of his family pretensions, applied himself, as well as his very limited means and narrow circumstances would permit, to an investigation and inquiry into the particulars and history of his family affairs,

and his endeavours have been eminently successful, inasmuch as he has, with the assistance of a few friends, been enabled to collect a mass of materials, and a body of evidence, so strong, as to render his case irresistible, and, it is conceived, that nothing can defeat it, unless it can be shewn, *by absolute and positive proof*, that James Drummond, commonly called Duke of Perth, actually died on board ship, at sea, in May, 1746, as has been reported ;—and such proof, though not an absolute impossibility, is so very nearly akin to it, as not to admit of any other construction.

In fine,—the essence of the case, as to the facts of it, may be comprised in a few words. The Attainder of the House of Drummond has never been reversed or removed, and the blood of the descendants remains contaminate to his hour. The Estate of Perth, forfeited by the Attainder, has never been given, granted, or disposed to the Heirs of the former Owner, agreeably to the intention of the Legislature, as expressed in the Preamble of the Act of Parliament for granting to the Heirs of the former Proprietors the forfeited Estates in Scotland. The Titles and Honours of the Earldom of Perth were never forfeited, but became dormant on the death (in 1716) of James Drummond, Fourth Earl of Perth, in consequence of the previous Attainder (by Act of Parliament, 1, Geo. I. 1715) of James Drummond, Esquire, commonly called Lord Drummond, his eldest Son, and Heir Apparent,—and they have ever since continued, and do still remain, dormant.

To express, briefly, the conclusion which, as it is hoped, has been shewn, ought to be come to, from this very long statement of facts and evidence, it may safely be asserted, that, unless the person, James Drummond, (Thomas Drummond, the Claimant's paternal Grandfather) who came to, and settled at Biddick, shortly after the rebellion, 1745, was, in name, in origin, and in character, and, in every sense of the word, an impostor, there cannot exist a shadow of doubt, that Thomas Drummond, his legitimate Grandson, is the legal, lineal Heir Male to the Estates and Honours of the Earldom of Perth ; and, in common justice to the memory and name of James Drummond, it is further asserted, with-

out fear of contradiction, that, as far as is known, or has ever been heard of, there never existed the slightest suspicion, nor ever was uttered the slightest imputation, of any thing of the kind, against either himself, or any of his family.

[The Proofs and Evidence remain in Manuscript.]

—••••• ATTAINED PEERAGES

OF

SCOTLAND.

The restoration of the attainted Scotch families has formed the subject for conversation among the Grandees of the north, ever since the coronation of his present Majesty, in 1821, when an attempt was made to bring the matter under the consideration of his Majesty's government. Although the repeated rebellions of 1715 and 1745 were directed against the Royal Hanoverian line, the illustrious members of it have shewn great magnanimity in first restoring the better part of the forfeited estates to the Scotch delinquents, and afterwards removing the attainders of several of the titles.

Considerable art is requisite to confer a favour to the greatest advantage, and the delicacy used by Lord Liverpool to his Sovereign, and to the petitioning parties when he first publicly proposed the restoration of a portion of those Peerages, certainly enhanced the value of the favour. On Monday, May the 24th, 1824, "his lordship rose, he said, *in obedience to his Majesty's commands*, "to lay before their lordships certain bills for the restoration of "some titles which had been forfeited in consequence of *political* "offences. These were purely acts of *Royal grace and favour*, "which were intended to be followed by an act of justice. He alluded to the reversal of the attainder of Lord Stafford." These bills met with no opposition, and the restorations gave great satisfaction at the time. In the Lower House, Mr. Bruce, of Kennet, observed, that the restorations ought not to be partial; and many agree with Mr. Bruce, in thinking that the amnesty ought to have been made general, since it is clear that all the noble rebels were equally guilty by their joint political offences,—and, as they equally shared the disgrace of punishment in the forfeitures that ensued,

they evidently are all equally deserving of his Majesty's clemency when the day of forgiveness dawn on the generous efforts made in their favour.

The following is a list of the attainted and restored Peerages:—

1715.		
Dates of Peerages.	Titles.	Family Names.
1063	Earl of Mar, to heirs general	Erskine.*
1010	Earl Marischall, &c. to heirs male	Keith.
1620	Earl of Nithsdale, &c. to heirs male.....	Maxwell.
1600	{ Earl of Winton, &c. to heirs male } whatsoever	Seton.
1600	Earl of Linlithgow, &c. to heirs male.....	Livingston.
1605	Earl of Perth, &c. to heirs male whatsoever	Drummond.
1620	Earl of Seaforth, &c. to heirs male	Mackenzie.
1633	Earl of Southesk, to heirs male	Carnegy.
1639	Earl of Airlie, to heirs male.....	Ogilvie.*
1639	Earl of Carnwath, &c. to heirs male	Dalzell.*
1646	Earl of Pannure, to heirs male	Maule.
1633	Visc. Kennure, to heirs male whatsoever...	Gordon.*
1651	Viscount Kingston, to heirs male	Seton.
1661	Viscount Kilsyth, to heirs male	Livingstone.
1607	Lord Burleigh, to heirs general	Balfour.
1650	Lord Duffus, to heirs male	Sutherland.*
1745		
1661	{ Earl of Kilmarnoch, to heirs male } whatsoever	Boyd.
1703	Earl of Cromarty, to heirs male	Mackenzie.
1686	Viscount Strathallan, to heirs male.....	Drummond*
1431	Lord Lovat, to heirs male.....	Frazer.
1603	Lord Balmerinloch, to heirs male.....	Elphinstone.
1631	Lord Nairn, to heirs general.....	Nairn.*
1633	Lord Pitsligo, to heirs male whatsoever ...	Forbes.
1633	Earl of Wemyss, &c. to heirs general	Wemyss.*
<p>All those marked thus * have been restored and amount to eight peerages out of twenty-four, being in the proportion of one to three.</p>		

SEQUEL
OF THE
STATEMENT
OF THE CLAIMS OF
Thomas Drummond,
&c. &c.

Omitted in the Copy of the Case, in an octavo pamphlet, printed by Mackenzie and Dent, Newcastle upon Tyne. 1830.

To follow after the words, “or any of his family”—on page 59 of the pamphlet.

(Reference to Counsel, &c.)

“You will be pleased to peruse and consider the foregoing statement and observations, together with the proofs and evidence annexed, and give your opinion, as well on the case, generally, as on the particular questions asked.

1st. Is it advisable that the Claimant, Thomas Drummond, should, in the first instance, endeavour to procure himself to be served Heir Male of James Drummond, commonly called Duke of Perth, who fled, after the battle of Culloden, as above stated, and, upon the Execution of a Brieve, issued for that purpose, would such Evidence, as it appears by this Case, the Claimant can adduce, be received;—and if, and when received, would it be sufficient to establish such claim of service, assuming that the reported death of the said James Drummond, commonly called Duke of Perth, in May, 1746, cannot be proved?

2nd. Are the circumstances of this Case, and the nature of the Evidence, as set forth in the foregoing statement, such as to justify the Claimant, Thomas Drummond, in taking immediate steps,—and, if yea, what steps ought he to take, to procure the intentions of the Legislature, as expressed in the preamble of the Act 24. Geo. III. Cap. LVII. (1784), to be carried into effect, in favour of him, as Heir Male of the said James Drummond, commonly called Duke of Perth, the former Owner of the Perth Estates, by whose Attainder they became forfeited ;—bearing in mind, that those Estates were, under the provisions of that Act (declaring them to have become forfeited by the Attainder of *John Drummond*), granted by His late Majesty, King George III. to the father of Lady Gwydyr, who had been found, by a Decree of the Court of Session, to be the nearest Heir Male of the said John Drummond ;—or what course, adverting to such circumstances, and evidence ; and also, to such Decree of the Court of Session, and the Grant made, by the late King, to the father of Lady Gwydyr, ought the present claimant to pursue, to substantiate his claim to, and obtain possession of, the Perth Estates ?

[*N. B. The above questions for Counsel are suggested, but, of course, may be varied, altered, or rejected altogether, and others substituted, at the discretion of the Solicitor, to whom may be assigned the submitting of this Case to Counsel.*]

Newcastle upon Tyne,
December, 1828.”

Further observations, respecting the Case of Thomas Drummond, as it appears in the pamphlet, printed by Mackenzie and Dent, 1830 ;—which, although evidently taken from the folio copy of the Case, printed

and issued, for private use, by Thomas Drummond and his advisers, is, nevertheless, in several respects, incorrect and incomplete, and different from the original.

The "Address," at the beginning of the pamphlet, and to which is affixed the name, "Thomas Drummond," formed no part of the original and genuine case, which contained no address whatever;—and, moreover, the address, in the pamphlet, is not the work of Thomas Drummond, neither has it his consent or approbation.

The account of "Attainted Peerages of Scotland" (inserted on page 59 of the pamphlet), together with the "list of the attainted and restored Peerages" (inserted on page 60), are interpolations;—the original Case contained nothing of the kind, but confined itself, as its title imported, to the circumstances of the Perth Peerage only.

Newcastle upon Tyne,
November, 1830.

ERRATA, &c.,

In the printed Case, &c. of Thomas Drummond, &c. in
the 8vo. pamphlet, printed by Mackenzie and Dent,
Newcastle, 1830.

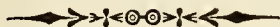
Page. Line.

- | | | |
|-----|----|--|
| 25 | 27 | For "pitman," read " <i>pitmen</i> ." |
| 28 | 4 | After the last word, "must," add " <i>have</i> ." |
| 31 | 26 | After the word "distinction," add " <i>who</i> ." |
| 42 | 24 | (last word incomplete) for "bet," read " <i>better</i> ." |
| 58 | 13 | (last word but one imperfect) for "his," read " <i>this</i> ." |
| | | Address, at the beginning, (page iii.) |
| iii | 3 | (from the bottom) for "Jacobine," read " <i>Jacobite</i> ." |

[Newcastle upon Tyne : printed by William Boag.
November, 1830.]



EARLDOM OF PERTH.



C A S E

OF

THOMAS DRUMMOND,

OF

NEW PAINSHAW, NEAR HOUGHTON-LE-SPRING,

IN THE

COUNTY OF DURHAM,

CLAIMING

THE HONOURS AND ESTATES

OF THE

EARLDOM OF PERTH.



Newcastle upon Tyne :

RE-PRINTED BY MACKENZIE AND DENT, NO. 181, PILGRIM
STREET.

MDCCCXXXI.

CASE

OF

THOMAS DRUMMOND.



THE illustrious House of "DRUMMOND" may date its origin from a very remote period of antiquity, and, whether we look at the exalted situation and high character of the individuals, the eminent station they have held in the very highest ranks of society, the alliances and connexions they have formed, not only with many Noble but also with Royal Houses, added to the weight and influence that must have been derived from their great wealth and extensive possessions, they form altogether an instance of a union of rank, nobleness, and consequence, and all converging in one family, that is almost without a parallel.

The vicissitudes of human events, with the fluctuations in property, and the convulsions of nations and empires that have occurred during the last century, have combined to wrest these honours and that property from the hands of those who formerly enjoyed them in all their splendour, and place them in others that appear to be not legally or justly entitled to them:—to endeavour to recover these honours and possessions from the hands that now so hold them, and restore them to those which appear to be fairly and justly entitled to them, is the object of the present suit.

In the subjoined statement of the genealogy or pedigree of the "Drummond" family, it will be sufficient, perhaps, to give a kind of general abstract or analysis of it, from the time of the founder up to the period when the dignities and possessions came into the

hands of those who, by the transactions of their day, caused some change or difference to arise in the current of the titles and the property ;—this will be found to be about the time of “ James (Drummond) the fourth Earl of Perth,” who flourished in the reigns of King James II. &c. and died in the year 1716: from that period to the present time, the account of the family and the succession will be rendered with all possible amplitude and fidelity.

This genealogical account or pedigree has been gathered from records and general history, from books or accounts, and from such traditional or other information as could be obtained :—the statement is believed to be, in general correct :—there are passages, however, (copied from printed books) in which it is known to be otherwise, but these will be noticed and explained in their proper places: this observation particularly applies to the accounts of the “ Drummond” family, inserted herein, and as contained in, and taken from, the two following works, viz.—

“ The Peerage of Scotland, containing a historical and genealogical Account of the Nobility of that Kingdom,” &c. &c.—“ By Sir Robert Douglas, of Glenbervie, Bart.—Second Edition. Revised and corrected, &c. &c. by John Philip Wood, Esq.—In two Volumes, folio.—Edinburgh, 1813.”

and

“ A genealogical Memoir of the most Noble and Ancient House of Drummond, and of the several branches that have sprung from it,” &c. &c.—“ By David Malcolm, A. M.” (afterwards LL. D.) Octavo. “ Edinburgh. 1808.”

The first of this ancient family who settled in Scotland is said to have been “ Maurice,” a Hungarian, who, about the year 1067, accompanied Edgar Atheling (the rightful heir to the crown of England) and his sister, Margaret, in their flight from England (to escape the destruction that threatened them, from the power of their competitor, William, Duke of Normandy, who had now, by conquest, obtained the crown of England), and landed with them (after having encountered a dreadful tempest in the German Ocean) in Scotland, where they were kindly received by Malcolm Canmore, King of Scotland, at his palace of Dumfermline ;—the king was so struck with the beauty and accomplishments of Margaret, that he shortly afterwards married her, and made her Queen of Scotland. King Malcolm generously and liberally rewarded all those noble strangers who had accompanied the Prince Edgar Atheling and his sister Margaret, to Scotland, and, in an especial manner, shewed the kind feeling he entertained towards Maurice,

the Hungarian, to whose skill in seamanship was said to be owing the preservation of the lives of the royal party, in gratitude for which, Malcolm conferred upon him high honours and endowments, appointing him Seneschal, or Steward of Lennox, and assigning to him various lands, among the rest, the lands of "Drymen," or "Drummond," (in Stirlingshire) from which the family afterwards took its name;—the king also assigned to him, for his armorial bearing, three bars, wavy, or undy, gules, in allusion to his having been the successful conductor of Queen Margaret through the sea to Scotland. As a mark of Queen Margaret's esteem, Maurice Drummond received in marriage one of her maids of honour, and from their children are descended all the families of Drummond;—he died about 1093, and was succeeded by his eldest son, Malcolm Drummond, named after his master and benefactor, King Malcolm.

Malcolm Drummond, who, on the death of his father, Maurice, became second Thane of Lennox, died about 1130, leaving a son.

Maurice Drummond (named after his grandfather, the Hungarian) who again left male issue, that, in regular succession, came into possession of the titles and estates of the family, which appears to have increased, in honours and affluence, as one generation succeeded another;—some instances may be particularized:

Sir Malcolm Drummond, who succeeded about 1180.

Malcolm Beg Drummond succeeded about 1200;—he was of great note among the nobles of Scotland, and possessed of great wealth;—he lived to the age of ninety years.

Sir John Drummond succeeded about 1346,—married Mary Montefex, eldest daughter and co-heiress of Sir William de Montefex, Justiciar of Scotland, and chief of a great and ancient family;—by her he had four sons and four daughters;—the eldest son, Sir Malcolm Drummond, succeeded him;—his eldest daughter, Annabella Drummond, celebrated for her exquisite beauty, and distinguished merit, married, in 1377, the eldest son of the High Steward of Scotland, Earl of Carrick, Seneschal of Scotland, and heir apparent to the crown; on the death of King Robert II. he ascended the throne, as King Robert III. and was crowned, at Scoon, with his Queen, Annabella, in September, 1390;—they had two sons, and two daughters; David Stuart, the eldest son, Prince of Scotland, Duke of Rothsay, and Earl of Atholl and Carrick, died in 1401, without issue. James (the second son) succeeded to the crown of Scotland, in 1406, by the style of King James I.;—he married Jane Seymour, daughter of the Earl of

*Joan Beaufort - There was no Seymour
Earl of Somerset then*

Somerset, and died at Perth, in 1437, leaving a son, who became King of Scotland, by the style of King James II.

After another interval, we find Sir John Drummond, of Cargill and Stobhall, who succeeded to the family honours and estates in 1470;—in January, 1487-8, he was raised to the dignity of the Peerage, by the title of Lord Drummond:—in 1491 he built a strong castle, or mansion, to which he gave the name of Drummond Castle, and which has ever since been the chief seat of the family;—he died in 1519, having attained nearly the age of eighty, and was succeeded by his great grandson, David Drummond, the second Lord Drummond, but who, being very young, became the king's ward (King James V.) he died in 1571, and was succeeded by his eldest son, Patrick, third Lord Drummond, who died about 1600, and was succeeded by his eldest son, James, fourth Lord Drummond, and first Earl of Perth;—he was (by King James VI. of Scotland, and I. of England) created "Earl of Perth," by Patent, dated 4th March, 1605, to him and his heirs male whatsoever;—he enjoyed his honours for a short time only; he died at Seton, on the 18th December, 1611, in the 21st year of his age;—he was married, but had no sons, wherefore his estate and honours devolved upon his younger brother.

JOHN DRUMMOND,—SECOND EARL OF PERTH,—who succeeded to the title and estates, in 1611, on the death of his elder brother.—He was a nobleman of great learning and integrity, and of unshaken loyalty and attachment to his Sovereign, King Charles I. for which he suffered severely, by fines inflicted on him and his family, during the period of the usurpation of Cromwell;—he married Lady Jean Ker, eldest daughter of Robert, first Earl of Roxburgh, by whom he had four sons and two daughters;—he died in 1662, about the age of eighty, and was succeeded by his eldest surviving son.

JAMES DRUMMOND,—THIRD EARL OF PERTH,—succeeded his father in 1662,—was served heir male of him in his property in the counties of Perth and Forfar, 23d September, 1662, and in general of him the 29th of the same month. He married, in 1639, Lady Anne Gordon, eldest daughter of George, second Marquis of Huntly, and had issue two sons, and one daughter. The sons were—1, James Drummond, (who succeeded as his heir) fourth Earl, and afterwards Duke, of Perth,—and,—2, John Drummond, of Lundin, Earl, and afterwards Duke, of Melfort. By these two sons, the house of Drummond divided into two branches,—the Perth Ducal Branch, carried on by the elder son, James,—and

*James
1st Earl*

*John
2nd Earl*

*James
3rd Earl*

*John
Earl of
Melfort*

the Lundin, or Melfort Ducal Branch, carried on by the younger son, John.

He died 2d June, 1675, and was succeeded by his eldest son, James Drummond, fourth Earl, and afterwards Duke, of Perth.

JAMES DRUMMOND, FOURTH EARL, and afterwards (first) DUKE OF PERTH,—born 1648,—succeeded his father in 1675.—He was served heir male of his father 1st October, 1675.

This distinguished nobleman, born to high rank, possessing great wealth, and standing high in the favour of his sovereign and relative, and endowed, moreover, by nature, with extraordinary talents, makes a conspicuous figure in the annals of the period in which he lived;—he received the first rudiments of instruction under the pious and attentive care of a most excellent and accomplished mother, and, in due time, was sent to the university of St. Andrew, where he went through a course of philosophy, after which he visited France, and remained for a considerable time at Paris, where he pursued his studies, and became distinguished for his exemplary deportment, and high attainments in literature and science. After his return to his native country, he married (first) 18th January, 1670, Lady Jean Douglas, fourth daughter (by his second marriage, with Lady Mary Gordon) of William, first Marquis of Douglas;—by this lady he had one son,—“James, Lord Drummond,” (commonly designated “Marquis of Drummond,” &c. who succeeded him, and of whom more hereafter)—and two daughters: his lordship married, (secondly) in 1679, Lillias Drummond, daughter of Sir James Drummond, of Machanry, and relict of William, fifth Earl of Tullibardine;—by her he had issue, three sons and one daughter—the eldest son by this marriage was the Hon. John Drummond, styled Lord John Drummond, who, on the *reported* death of his nephew, (James Drummond, commonly called Duke of Perth) said to have taken place in 1746, after the battle of Culloden, and on the *actual* death of his other nephew, (John, brother to James, last-mentioned) commonly called Lord John Drummond, which took place at Antwerp, in 1747, assumed the title of Duke of Perth. He died, without issue, at Edinburgh, 27th October, 1757, and was interred in the abbey church of Holyrood House.

His lordship married (thirdly) Lady Mary Gordon, second daughter of Lewis, third Marquis of Huntly, and relict of Adam Urquhart, of Meldrum, Esq. by her he had issue, two sons and one daughter; the eldest son was the Hon. Edward Drummond,

*James
4th Earl
of Perth*

*John
5th Earl
de jure*

*Edward
6th Earl
de jure*

commonly called Lord Edward Drummond, who also, on the death of his brother, John (above-named) assumed the title of Duke of Perth;—he spent almost all his life in France, in literary retirement, and devoted to religious duties, and died at Paris, 7th February, 1760.

To return to the (fourth) Earl of Perth:—

His lordship was, in 1678, nominated by King Charles II. one of his privy council;—on the 1st of May, 1682, being then in the thirty-fourth year of his age, he was constituted Lord Justice General of Scotland, and appointed one of the extraordinary Lords of Session, 16th November, same year, and in two years after, by commission, dated 23d June, 1684, he attained the most dignified appointment which his majesty could bestow, by being raised to the distinguished office of Lord High Chancellor of Scotland, and appointed Sheriff Principal of the county of Edinburgh, 16th July, same year.

His lordship continued to execute the functions of his high office with equal honour to himself, and advantage to the interests and welfare of his country, to the end of Charles' reign, and on the accession of King James II. was continued in all his places, had the chief administration of affairs, declared himself a Roman Catholic, and attached himself closely to the principles and views of the reigning monarch, involving himself, by this means, in the calamities that ensued during that ill-fated period, which overwhelmed his family and himself, and, in the end, brought about a revolution in the government of the kingdom, and caused the abdication of James II. to whom, nevertheless, the Earl of Perth continued, to the end of his life, to be a warm adherent, as did also his family, his son and heir, and his successors.

In the fall of James was involved the ruin of his friends and adherents. The chancellor was driven from his seat, and voluntarily left the councils and the town, where his house had been plundered by a mob, and retreated to Drummond Castle;—here also the vengeance of his enemies pursued him, and, finding the danger of his situation, and desirous to follow the fortunes of his master, he was induced to comply with the advice of his friends, and embarked in a small vessel at Kirkaldy for France, taking along with him his lady and their family;—his flight was soon discovered, and he was pursued by a long boat from Kirkaldy, full of armed men, who overtook the vessel and the fugitives near the mouth of the Forth, plundered the earl and his lady of all the

property they had on board, and brought them back prisoners to Kirkaldy, where they were confined for some time in the common tolbooth of the place, and afterwards removed to the castle of Stirling, where he and his family remained prisoners for nearly four years, nor was he released till the privy council, by warrants of 28th June, 1693, and 4th August following, allowed him to be liberated, on his giving bond to leave the kingdom, under the penalty of £5000.

He went abroad accordingly, and proceeded, first to Holland, then passed through Germany, into Italy, and settled at Rome, where he resided about two years, when he was sent for, by King James, to St. Germain's, in France, where the abdicated monarch had now fixed his residence and court; here he was received with the most cordial affection and kindness, and James heaped upon him all the honours and favours he could possibly bestow, and, as a mark of his esteem for him, and a reward of his fidelity, created him "DUKE OF PERTH," by royal patent, to his heirs male. He appointed him also first lord of the bedchamber,—Knight of the most noble Order of the Garter,—chamberlain to the queen,—and governor to his son, the Prince of Wales, as he was termed;—he had, at a former period (in 1687), on the revival of the ancient Order of the Thistle, been invested with it, and was named the first knight of that most ancient and most noble order. The title of "Duke of Perth," however, being conferred by James II. after his abdication of the throne of Great Britain, was never recognized in Scotland, but as the Earl of Perth assumed the title of "Duke," and so also did his son, and grandson, who were respectively and commonly called, "Duke of Perth," in the historical transactions of the last century, they have been usually designated by it, although the title itself cannot be considered as a matter of legal right, but suffered only from the courtesy of the country.

The Earl, or, as he now, perhaps, may be called, Duke of Perth, continued to reside at St. Germain's, for a series of years, in a state of comparative quiet and retirement, solaced by the pleasures of literary enjoyment, and soothed by the consolations of religion;—his attachment to James continued firm and unabated, and on the death of that monarch, on the 6th of August, 1701, the Duke continued his friendship to the son, his ward, and discharged, with honourable zeal, the trust committed to him by his royal father;—he lived to see the eventful changes that took place in his native country, by the accession of King William III.—and afterwards of Queen Anne, in whose death he beheld the end

of the royal line of the Stuarts,—and he lived long enough to know of the complete failure of the attempt of his royal pupil to regain the crown of his ancestors, by the suppression of the fatal rebellion in 1715, and the House of Hanover established on the throne of Britain.

He died, at St. Germain's, on the 11th of May, 1716, in the sixty-eighth year of his age, and was interred in the chapel of the Scots College, at Paris, where a monument of white marble was erected to his memory.

His widow (his third wife) survived him several years, and died, at St. Germain's, in March, 1726, at the age of eighty.

He was succeeded in the family honours and estates, by his eldest son, "JAMES DRUMMOND,"—fifth Earl of Perth, and second Duke,—commonly designated, "Marquis of Drummond."

It is necessary, and extremely important, to remark here, the wise and prudent measures this nobleman adopted to secure the possession of the family honours and estates to his heirs and successors;—foreseeing the storm that was gathering in the political horizon, and apprehensive that it might, in its consequences, involve him in the general ruin, he took the precaution, when he was in full and undisturbed possession of all the honours and estates, and before he quitted Scotland, on his exile, in the year 1687, to make a resignation in the King's hands, of the Earldom of Perth, and his whole estate, with the heritable Offices of Steward, Coroner, and Forester of Strathern, Glenartney, and Balquhiddy, &c. &c.—in favour of his eldest son, James, Lord Drummond, and the heirs male, procreate, or to be procreate, of his body, which failing, to the said James, Lord Drummond, and his heirs male whatsoever, &c. &c.—whereupon a charter issued, under the great seal, in which his whole lands lying in the Stewartry of Strathern, are particularly enumerated, dated in November, 1687.

JAMES DRUMMOND,—FIFTH EARL, and SECOND DUKE, OF PERTH, commonly designated "Marquis of Drummond," succeeded his father in 1716;—born about 1671.

He was educated chiefly under the care of his father, whose principles and politics he very naturally imbibed, and warmly espoused the cause of the Stuart family;—from Scotland he went over to France, at an early age, to pursue his studies, and was soon actively engaged in the commotions of the times;—he accompanied James II. in his expedition from Brest to Ireland, in 1689, and was at the siege of Londonderry, at Limerick, and other places, where he made a resolute, but an unavailing resistance, and find-

*James
Drummond*

p. 55-

x

ing all the plans for the restoration of King James utterly defeated, he left the adherents of the deposed monarch, and returned to Scotland about 1692;—at this time his father was a prisoner in Stirling Castle, and when he was set at liberty (in 1693) on promising to transport himself beyond the seas, his son, Lord Drummond, was permitted to remain unmolested at home. Some years afterwards he went over to France. It was at this time that he was appointed Master of the Horse to Mary of Modena, queen dowager of James II. On his return to Scotland he found his country in a state of great commotion, and public disputes and differences running very high;—again active measures were concerting to place the Pretender, who, by the death of his father, had become, as was asserted, heir to the crown, on the throne of these realms;—these commotions at last, in 1715, broke out into open rebellion;—the Pretender had landed in Scotland, and been proclaimed, and among the chieftains who had flocked to his standard, with their clans, one of the foremost and most important was Lord Drummond, who strenuously supported the cause, and was enabled from his wealth, his power, and his connexions, to render essential service; but all was unavailing, and, after some feeble efforts, on the parts of the rebels, to face the approaching army of the King, they deemed it most prudent to seek safety in flight, and James retreated to Dundee, and from thence to Montrose;—he was there closely pursued by the King's troops, and judging it advisable to relinquish the cause, he went on board a vessel, and, accompanied by some of his leading friends, among whom were, Lord Drummond, the Earl of Mar, the Earl of Melfort, &c. arrived a few days after at Gravelines, in France.—From this expedition to France Lord Drummond never afterwards returned:—he joined his father there, and continued with him till his death in 1716, and did not long survive him;—he died in 1717, and was buried beside the grave of his father, in the chapel of the Scots College, at Paris.

• Profiting by his father's example, in securing the succession of the family honours and estates to his heirs and descendants, he had had the precaution to execute a disposition, or deed of entail, of his estates, dated 28th August, 1713, in favour of his eldest son, James Drummond; (the person afterwards called Duke of Perth, and who was so deeply implicated in the rebellion, 1745)—this deed was sustained by the Court of Session, 1719,—and affirmed by the House of Lords, 1720;—by this means the estates were preserved to the family, although the granter joined in the rebellion.

He was attainted of High Treason by Act of Parliament, 1. Geo. I. (1715) by the style of "James Drummond, Esquire, commonly called Lord Drummond, eldest son and heir apparent of the Earl of Perth."—In the same Act of attainder were included, John, Earl of Mar, William Murray, Esquire, commonly called Marquis of Tullibardine, eldest son and heir apparent of John Duke of Athol, and James, Earl of Linlithgow.

He (James Drummond—5th Earl, and 2nd Duke) married (contract dated 5th August, 1706) Lady Jean Gordon, only daughter of George, first Duke of Gordon, and Lady Elizabeth Howard, daughter of Henry, Duke of Norfolk;—by her he had two sons, and two daughters,—viz.

1. JAMES DRUMMOND, his Heir,—(accounted 6th Earl, and 3rd Duke of Perth), born May 11th, 1713,—died at Biddick, County of Durham, in June, 1782.

(OF WHOM SEE MORE AFTERWARDS.)

2. JOHN DRUMMOND,—commonly called Lord John Drummond;—died at Antwerp, in 1747, unmarried.

3. Lady MARY DRUMMOND.

4. Lady HENRIET DRUMMOND.

Who both died unmarried.

Upon the death of her husband (in 1717) his lady, who was commonly called the Duchess of Perth, returned to Scotland, and for many years resided at Drummond Castle, with great respectability;—she was accounted a woman of great spirit and activity, and entered warmly into the views and measures of the Stuart family,—so much so, that, for her support of the rebels, she was committed prisoner to Edinburgh Castle, 11th February, 1746, and liberated, on bail, 17th November, 1746;—on the forfeiture of the family estates, in 1746, she was compelled to quit Drummond Castle, and retired to Stobhall, where she ended the days of her long and eventful life, in January, 1773, aged about ninety;—she was (as above) the mother of the unfortunate James Drummond, commonly called Duke of Perth, who, so fatally for himself, engaged in the rebellion, 1745,—and report and tradition say, that he was, in a great measure, instigated thereto, by the urgent solicitations of his mother, and contrary to his own judgment and inclinations,—and it has been said, that though she lived to within about nine years of the time of the death of her son (which happened in 1782), she never forgave him for what she considered his lukewarmness in the cause, and never had any intercourse with him after the failure of the rebellion.

JOHN DRUMMOND, or Lord John Drummond, the second son, was educated at Douay, and finished his academic studies at the Scots College, at Paris;—he attached himself to a military life, and entered into the service of the King of France, for whom he raised a regiment, called the Royal Scots, of which he was constituted colonel,—he retained his family attachment and predilection to the House of Stuart, and exerted himself on all occasions in the attempts for its restoration. The rebellion having broken out in Scotland, he arrived at Montrose, in November, 1745, with his regiment, and several other troops that were sent over from France, to support the cause of the Pretender; he was at the battles of Falkirk and Culloden, and, after the defeat of the rebels at the latter place, he took shipping, and made his escape to France;—he afterwards served under Marshal Saxe, in Flanders;—after the siege of Bergen op Zoom, in 1747, he was appointed a major general whilst lying ill of a fever, of which he died, without issue, the same year, and was buried in the Chapel of the English nuns at Antwerp.

He was attainted of High Treason by Act 19, Geo. II. (1746) by the appellation of “John Drummond, taking upon himself the style or title of Lord John Drummond, brother to James Drummond, taking upon himself the title of Duke of Perth;”—(who, (James) it is to be observed, was also himself attainted by the same act, and named in the list of attainted persons before John).

It is of importance to observe his (John's) history with attention, particularly in regard to two points;—the first is, a report which was circulated, that his elder brother, James, embarked in the same ship with him, but died on the passage to France;—evidence, and, it is presumed, of the most irrefragible description, will be adduced, to shew, not only that James did not embark *with him*, but that he (James) did not embark *at all*, and that the story of his death, then circulated, was a falsehood, and that he lived for upwards of 36 years after;—the next point to be noticed in John's history is, that he is the individual alluded to in the Act 24, Geo. III. cap. 57, sec. 10, (1784) for restoring the forfeited Estates, wherein it is expressed, that—“Whereas the Estate of Perth, which became forfeited by the attainder of John Drummond, taking upon himself the stile or title of Lord John Drummond, Brother to James Drummond, taking on himself the stile or title of Duke of Perth, stood devised before the Forfeiture to Heirs Male,

*John
second son
of James
Drummond*

“and whereas the said John Drummond died without leaving Issue
 “Lawful of his Body, and it is not yet ascertained who is his
 “nearest collateral Heir Male; be it enacted by the Authority
 “aforesaid, That it shall and may be lawful to his Majesty, His
 “Heirs and Successors, to give, grant, and dispoise to the Heirs
 “Male of the said John Drummond, who would have been entitled
 “to succeed by the Investitures of the said estate, had it not been
 “forfeited, and to the Heirs and Assigns of such Heir Male, all
 “and every the Lands, Lordships, Baronies, Fisheries, Tithes,
 “Patronages, and other Heretages and Estates, which became
 “forfeited to His said late Majesty by the Attainder of the said
 “John Drummond, taking upon himself the stile or title of Lord
 “John Drummond, and which were annexed to the Crown as
 “aforesaid; subject always to, and chargeable with, the Sum of
 “Fifty-two thousand five hundred forty-seven Pounds, One Shil-
 “ling, and Sixpence, and Three Twelfth Parts of a Penny Ster-
 “ling; of Principal Money, to be paid into the said Court of
 “Exchequer, as after directed.” Thus, also, it is to be observed,
 cutting the knot, at once, of the Entail to heirs *male*, as formerly
 devised;—it is evident the act assumed the death of James (the
 elder brother) to be antecedent to that of John, by using the words,
 “John,” &c. “Brother to James,” &c. as completely, as if it had
 said—John, &c. Brother to *the late* James, &c. now if the evi-
 dence herewith adduced is deemed sufficient to prove that the fact
 was otherwise, which, we think, cannot for a moment be doubted,
 it follows, *a priori*, that the act itself, and from which such strange
 consequences have ensued, is bottomed in error and misrepresentation,
 to say the least of it, consequently *John* could not possibly be
 the heir, and if *he* was not, it is quite superfluous to give any consid-
 eration as to who were *his* heirs, yet, on this pretended heirship, pos-
 session of the estates has been obtained, and the present possessors
 appear to hold them by no stronger a tenure than this rope of sand.
 Lest this definition as to the heirship of John should be misunder-
 stood, it is necessary to state here, that it is not meant to deny,
 that John was, or rather, would have been, the heir, *if James*
had been actually dead, but the position or principle here laid
 down, is, that—*James being living at the time*, nothing had de-
 scended, or could descend, to John, as heir, and if he had *inherited*
 or *derived* nothing, and was not in a situation to inherit, or derive,
 —nothing, of course, could *devolve* from him,—and therefore the
 estates actually became forfeited by the attainder of *James Drum-*

mond, taking on himself the Stile or Title of Duke of Perth,—and *not* by the attainder of John Drummond (his younger brother) as the terms of the act would imply. But this point will be further illustrated, when we come to treat of James Drummond, the elder and the surviving brother, and, undoubtedly, the *real* heir.

He (James Drummond,—the 5th Earl, and 2d Duke, of Perth) died (as before stated) in exile, in 1717,—and was succeeded by JAMES DRUMMOND (his eldest son, and heir)—accounted 6th Earl, and 3d Duke, of Perth ;—and generally styled, in the history of the times in which he lived, “DUKE OF PERTH.”

JAMES DRUMMOND,

SIXTH EARL, AND THIRD DUKE, OF PERTH ;

(IN COMMON PARLANCE.—“THE DUKE OF PERTH”)

Born May 11th, 1713,—succeeded, on the death of his father, in 1717, being then a minor, four years of age,—died, at Biddick, in the County of Durham, a few days prior to the 10th June, 1782, in the 70th year of his age, and was buried at the Chapel of Painsshaw, in the Parish of Houghton-le-Spring, in the same County, on the 10th June, 1782.

*James
eldest son
of James
D Drummond
and
7th Earl
of Perth
de jure*

We have now arrived at the æra in this history, when we have to consider the circumstances and relative situation of a personage, of more importance, in the main, than any other in this important case, for, on the precise time, and under what circumstances, this person died, the issue of the case must depend ;—if he actually did die, in the month of May, 1746, or about that time, at sea, or otherwise, or at any subsequent time, during the lifetime of his younger brother, John, (who, it will be remembered, died in the latter end of the year 1747)—then there is an end of the case, as far as concerns the case of the present claimant, Thomas Drummond, for Lord John Drummond would, unquestionably, be the legal heir to the family honours and estates ;—but if, on the other hand, he did not die at that time, but, on the contrary, escaped to the county of Durham, and married, and had lawful issue, and died there, in the month of June, 1782, then, it is equally unquestionable, that Thomas Drummond, his lawful grandson, and

heir male, must be legally intitled to succeed to the honours and estates he claims.

The subjoined account, or history, of this James Drummond (whom we shall, for the sake of brevity in designation, call “Duke of Perth,”—or—“James Drummond,” generally) will be rendered with the strictest regard to truth and impartiality, as far as can possibly be ascertained;—no circumstances will be concealed or misrepresented, as far as is known,—it is thought best, however, to give his history in two distinct ways;—first, as it appears to be borne out by the evidence adduced on the present occasion;—and then, as it has been represented in history, or by report, tradition, or otherwise;—by this mode, it is hoped, the judgment will be best assisted in coming to a right conclusion as to the merits of the case;—it is necessary, perhaps, to observe here, that there is only one point, on which any difference of opinion seems to exist, and that is, the precise time of the death of the Duke of Perth;—in all the other circumstances of his life and history (that is, down to the time of his reported death, in 1746) there is no disagreement;—on this one point, however, every thing else depends.

First then;—James Drummond (6th Earl, and 3d Duke, of Perth—born May 11th, 1713;—succeeded to the honours and estates, as eldest son of, and heir to, and on the death of, his father (James Drummond, 5th Earl, and 2d Duke, of Perth) in 1717, being then a minor, four years of age.

He had the estates conveyed to him by his father, by a disposition, or deed of entail, of the estates, dated 28th August, 1713, and executed by his father, and which was sustained by the Court of Session, in 1719, and affirmed by the House of Lords, 1720, as before stated:—by this means the estates were preserved to the family, although the granter joined in the rebellion (1715).

When he came to maturity, he obtained (in the year 1731) a Charter of Resignation, under the Great Seal of Scotland, of ALL and WHOLE the Lands, Lordship, Barony, and Regality of Drummond, and Earldom of Perth, therein particularly enumerated and described, which Charter of Resignation is dated the 12th day of February,—registered the 10th—and sealed the 12th days of April, all in the year 1731.

On his father’s death, he assumed the title of Duke of Perth.—He was carried abroad, when very young, and received his education, first at the College of Douay, and afterwards at the Scots College at Paris, when he made great progress in academic learning, and became a skilful mathematician.

About the time of his majority he returned to Scotland, and applied himself to the management of his private affairs, and to the improvement and cultivation of his vast estates.

As might very naturally be supposed, he had early imbibed the principles of his family, and devoted himself to the service of the house of Stuart:—he, and his uncle John, were two of the seven persons, who, in 1740, signed the association, engaging themselves to take arms, and to venture their lives and fortunes, to restore the Stuart family, provided the King of France would send over a body of troops. Patronized by France and Rome, a great effort was projected for restoring the Stuarts, and, in the year 1745, the flame of rebellion completely burst forth, and involved the nation in all the horrors of civil war;—Charles Edward Stuart, son of the old Pretender, and termed, by his adherents, Prince Charles, had landed in Scotland, and personally appeared to rouse the zeal of his friends, and many flocked to his standard;—among the foremost of these, in an evil hour, the Duke of Perth was induced to join, with all the forces he could raise, and, by his influence and power, was of essential consequence and service to Charles;—he was his first lieutenant general at the battle of Preston Pans, and commanded at the Sieges of Carlisle and Stirling;—he commanded the left wing of the rebel army at the decisive battle of Culloden, on the 16th April, 1746, and, on the total rout of the rebels on that day, fled, with many others, for safety;—here it is that the discrepancy of conflicting accounts commences;—but, as it is gathered from the evidence adduced on this occasion, and, as far as can be judged, from the most authentic sources, the course the Duke of Perth pursued was as follows:—

He was wounded in the head and hands, in the battle, and fled, on horseback, with great precipitancy, and it is in the evidence of William Mackenzie, that he was so seen, on his flight, on the latter part of that day, at a considerable distance from the field of battle;—it appears to be beyond doubt that he obtained a shelter, or hiding place, among his friends, somewhere in Scotland, though, at this distance of time, the spot cannot be ascertained, but the tradition to that effect is strong, and persons living have been heard to say, that he was concealed in some house or houses, occupied by their grandfathers or ancestors, till the vigilance of the search after the rebels was somewhat abated.—Among many other traditionary accounts relating to the Duke of Perth, about the period of the rebellion (1745) and in common circulation in Scotland, particularly in the neighbourhood of Drummond Castle, are the follow-

ing ; he was universally popular, and generally known over all the country, as he had been in use to ride at the head of his tenantry and friends, called, in the common language of the country at that time, his body of guards, through Michaelmas Market, at Crieff, the greatest fair, at that time, in Scotland, where many thousands usually assembled to buy and sell cattle, horses, sheep, &c. &c.—collected from all parts of the country ;—this circumstance made his appearance and person familiar to all, and discovered him afterwards very easily, when necessitated to appear in disguise.—On his going north to join the chieftains, at the time of the rebellion, when losing sight of his castle, he stopped, and turning round, exclaimed, as if conscious of, and anticipating almost, the dangers and the consequences he was exposing himself to,—“ Oh !—my bonny Drummond Castle, and my bonny Lands !”

Some time after the battle of Culloden, he returned to Drummond Castle, where his mother usually resided, and lived there very privately, skulking about the woods, and in disguise ;—he was repeatedly seen in a female dress, barefooted and bareheaded ;—once a party came to search the castle unexpectedly ;—he instantly got into a wall press, or closet, or recess of some sort, where a woman shut him in, and, standing before it, remained motionless till they left that room, to carry on the search, when he got out at a window, and gained the retreats in the woods.—After he had withdrawn from Scotland, and settled in the north of England, he occasionally visited Strathern, in the disguise of an old travelling soldier or beggar, and has been recognized repeatedly, under that disguise, as his person was generally known.—In these occasional visits he called one day at Drummond Castle, when the housekeeper, at his request, shewed him the rooms of the mansion ;—she was humming the song of “ the Duke of Perth’s lament,” and, having learned the name of the song, he desired her to sing it no more ;—when he got into his own apartment, he cried out, “ this is the Duke’s own room,”—and, when lifting his arm to lay hold of one of the pictures, she observed he was in tears, and perceived better dress under his disguise, which convinced her he was the Duke himself.

In these visits through the country, he was occasionally discovered by intelligent and inquisitive persons ;—it was observed, that if his castle was at any time in sight, he generally took a long-ing look at it, and shed tears.—It happened, one day, when he was receiving some entertainment in the house of a talkative weaver, that the clock struck, upon which the weaver exclaimed,—“ what

do you think of a machine of that kind in a poor weaver's house?" to which the traveller (Drummond) replied, pulling out his gold watch,—“what do you think of that in an old beggar's pocket?” It was now, that, for obvious reasons, and to elude discovery, the report of his death, on shipboard, or otherwise, would be propagated by his friends, and encouraged by himself, and it will be seen, by reference to the evidence of Mrs. Jane Hamilton, and Mrs. Ann Atkinson, that some such stratagem was had recourse to;—it seems quite clear, however, that he did escape discovery at that time, and found means to get himself conveyed on board ship, and fled to England, and landed at South Shields, in the County of Durham, a few miles only distant from Biddick, where he finally took up his residence;—it would seem he proceeded from Shields to Sunderland, and thence to Biddick, a situation near the River Wear, a few miles above Sunderland, and a place peculiarly calculated to afford shelter and security to a fugitive in his situation;—this will the more fully appear from the following description of the place, extracted from a work, partly topographical and partly historical, lately published, under the title of a “History, Directory, and Gazetteer, of the Counties of Northumberland and Durham, and the Towns and Counties of Newcastle upon Tyne, —&c. &c.—By William Parson, and William White, 2 Vols. 8vo.—1827, and 1828.”—At page 271, Vol. II. is the following account of Biddick, in the parish of Houghton-le-Spring.

“The village of South Biddick is in a sequestered situation, and was formerly inhabited by banditti, who set all authority at defiance, nay the officers of excise were afraid of surveying the two public-houses, unless protected by some of the most daring of the colliers, who were rewarded for their trouble. There were in the village about ten shops or houses where contraband spirits were publicly sold without any licence. The press-gang were at one time beat out of the place with the loss of two men, and never more were known to venture into it, for if they were known to be in the neighbourhood, the ‘BIDDICKERS’ used to sound a horn, the signal for them to fly to arms; fires were lighted in various places; the keels in the river were seized, with which they formed a bridge of communication with Fatfield, (another place on the opposite side of the river, equally as lawless as their own) and kept watch and ward till the danger was past. In consequence of which it became a receptacle for such as had violated the laws of their country.”

The concluding passage of this article is so remarkable, and of such vast importance to the present case, that it cannot be omitted here, and is deserving of particular attention ;—it is as follows ;—the editor says.—“ It was here (i. e. at Biddick) the unfortunate “ James Drummond, commonly called Duke of Perth, took sanctuary after the rebellion of 1745-6, under the protection of “ Nicholas Lambton, Esq. of South Biddick, where he lived in “ obscurity and concealment till 1782, when he died and was buried “ at Painsshaw.”

If there were no other evidence in existence, it is presumed that this would, in the eyes of reason and justice, and, it is to be hoped, in a Court of Law, be deemed ample and sufficient proof, that the James Drummond, commonly called Duke of Perth, who fled from the battle of Culloden, and the James Drummond, who came and settled at Biddick, were one and the same person, and this at once refutes all the stories about his alleged death on board of ship.

How long he continued at Sunderland cannot exactly be ascertained, but most probably his stay there would be very short, as he would be anxious to be at Biddick, the place which, for the reasons above mentioned, seems to have been selected for his retreat ;—it is clear he must have been at Biddick for a considerable time previous to the 16th April, 1747, the date of the letter, written to him, by his brother, Lord John Drummond, from Boulogne, wherein it is said.—“ I think you had better come to “ France, and you would be out of danger, as I find you are living “ in obscurity at Houghton-le-Spring,—I doubt that is a dangerous “ place yet”—&c.—“ you say it is reported you died on your passage to France—I hope and trust you will still live in obscurity.” —&c.—&c.—much valuable evidence in favour of James Drummond’s identity may be gathered from this letter, which, it may be observed, is written, to a day, exactly one year after the battle of Culloden ;—the letter says.—“ I think you had better come to “ France.”—&c.—this, clearly, would not have been said, if James Drummond *had been in France* (i. e. after the battle of Culloden) before the writing of this letter ;—it is true a report, and, what is more, an opinion, has prevailed, even among some of James Drummond’s friends, that he did take shipping, in Scotland, and proceeded to France, and that he staid there for some time, and then returned to England ;—subsequent, and better information, however, has shewn this opinion to be erroneous ;—again, the let-

ter says,—“ I find you are living in obscurity at Houghton-le-Spring,”—&c.—(Houghton-le-Spring is the parish in which Biddick is situate)—this shews that a communication to that effect must have been made to John Drummond, and, there can scarcely be a doubt, made by James Drummond himself, for John’s letter further goes on to say:—“ *you* say it is reported you died on your “passage to France,”—&c.—all this demonstrates that James Drummond had never been out of Great Britain during that year (i. e. from April, 1746, to April, 1747) and that a correspondence by letter, had been kept up between him (in England) and his brother John (in France) during that time, and, if James Drummond did not go to France, or quit England during that period, he did not do so at any time afterwards, for it is clear, that he never quitted Biddick (at least to go abroad) after he first took up his residence there.

It seems that James Drummond, on his first coming to Biddick, took up his residence with John Armstrong and family, persons in a very humble situation, but of reputable character in their station;—the man was a collier, or, as it is usually termed in the country, a “pitman,” that is, one who earns his subsistence by hard manual labour in the recesses of a coal mine;—that the local advantages, arising from the residence of Armstrong’s family being in Biddick, was, in Drummond’s case, the primary inducement for the latter taking up his abode with them, need not be questioned, but there are good grounds for supposing that there was another, and a very strong, motive for selecting Armstrong, arising from his occupation as a pitman, for it is well known, that in many cases, offenders of various descriptions have been secreted by their friends in the abyss of a coal pit, where it was next to impossible to trace or dislodge them, and it would have been no difficult matter for Armstrong and his family, in case of sudden danger or alarm, to have put their guest down a coal mine, a hundred fathoms, perhaps, or more, into the bowels of the earth, where he might have remained, impregnable, for a length of time, and until the danger was over, with no greater inconvenience, probably, than being secluded from the light of day, and his pursuers might almost as well attempt to enter the infernal regions, or deliberately walk into the crater of Mount *Æna*, as offer to descend into a coal pit, without the leave, co-operation, and assistance of the owners and managers of the pit, and, had any one attempted to gain admission to the place by force, the invader’s own life would, very probably, have been sacrificed to his termerity,



especially in that lawless district, and in those troublesome and disorderly times.

It appears that James Drummond, some time after his arrival at Biddick, commenced the business of a shoemaker, or rather a seller of shoes, for he employed real shoemakers to furnish shoes, which he sold ;—it is quite clear that his object in doing this was to lull suspicion, and to give him the appearance, in the eyes of the world, of a poor mechanic, rather than for profit ;—this business, however, he soon declined, for the best possible reason, that his poor finances could not stand it, and he had nothing but loss by it.

We now approach an important epoch in his history,—his marriage ;—all accounts and traditions agree in extolling the kindness and hospitality, as far as their means extended, shewn by John Armstrong, and Elizabeth, his wife, and their family, towards James Drummond, their forlorn and unfortunate guest, and the generous protection and shelter they afforded him, and the warm interest they took in his concerns ;—this naturally engendered great intimacy among the parties, and a cordial feeling of friendship, which, not long after, sprung up into an attachment of a still stronger nature between two of them ;—among the family of John Armstrong was a daughter, named Elizabeth, who is represented to have been a person of exquisite beauty, and amiable disposition and manners ;—of her, it appears, James Drummond became greatly enamoured, and, the affection being reciprocal, they were married at the parish church of Houghton-le-Spring, in the county of Durham, on the 6th November, 1749, she being then only about 16 or 17 years of age.

They continued to reside under Armstrong's roof, it is believed, for some time after their marriage, but subsequently, and when they came to have a family, they removed to what was called the " Boat-house ;"—this was a house, with the privilege and use and profit of a ferryboat attached to it, all which was a boon, generously and kindly granted to James Drummond and his family, by Nicholas Lambton, of Biddick, Esq. a gentleman of large fortune and possessions, who resided at Biddick Hall ;—he, it appears by the evidence of Mrs. Ann Atkinson and Mrs. Elizabeth Peters, was well aware of the name, the origin, and the history of James Drummond, and, greatly commiserating his misfortunes and destitute situation, became it may be said, his protector and his support.

The same benevolent feeling towards the Drummond family was equally entertained by Miss Mary Lambton, as by Mr. Lambton, as well during the lifetime of the latter, as afterwards, when she became sole heiress to the Biddick property, and, well knowing the history and origin of James Drummond, and his unfortunate situation, she generously assisted in alleviating the distresses of him and his family.

In addition to the occupancy and profits arising from the ferry-boat, he was enabled, by the assistance of friends, to commence a little country, or huckster's shop on the premises, of which his wife had the chief management, and, thus found means, though in a very humble way, to support the family, which, in the course of about a dozen years, consisted of six or seven children, who, as soon as their respective ages would allow of it, were put to different vocations, and his eldest son (James) was, at an early age, set to work in a coal mine ;—it may seem strange to those unacquainted with the local habits and manners of pitmen and their families in the north of England, that James Drummond, recollecting his own origin and rank in life, should, nevertheless, consign his eldest son to the dangerous occupation of a collier, but there were powerful reasons for this ;—it is well known to be the custom, invariable almost, among pitmen, to make all their sons pitmen, and who again follow the same course with their progeny ;—it is a profitable, though a dangerous occupation, and boys, at a very early age, are enabled to take a part in it, suited to their years ; thus it is very common for the father to be earning great wages by his own labour, and have, perhaps, three or four boys receiving additional pay for the work they respectively perform, making an aggregate that furnishes ample means for the support of the family ;—it is true James Drummond himself was not of this description of persons, but the connexion he had formed brought him within the influence of it, for his father-in-law was a pitman, and so were his family, and this very probably, would go far to fix the destiny of the boy ;—another motive for selecting this occupation for the youth, might be for the better concealing the real state of the father's history, and giving him the appearance, in the eyes of the world, as one of the rank and level of poor pitmen only ;—but, however circumstances might impel him to yield to this necessity, and degradation almost, his real wishes for his son were very different, for it appears, from the account of the family, that he was desirous to have him educated for the priesthood, but the means were quite out of his reach ;—it is, however,

only justice to his memory to say, that he paid great attention to the education of his children, as far as his own personal instructions could go, and his qualifications for that task were eminent, but his poverty was a complete bar to their receiving any thing of public or general instruction.

It will be asked, perhaps, why is this diffuse detail given, merely to shew a reason for James Drummond rearing his son as a pitman,—to which it may be answered, that it is meant to repel a theoretical argument that has sometimes been advanced, militating against James Drummond's identity and origin, on the ground, that if James Drummond had really been the person he was represented to be, it was out of the course of nature, almost inconsistent with common sense and reason, and highly improbable, that he could ever sink so low, as to be induced to deal with his child in the way that he did, and inferring therefrom, that he must have been an impostor. It is hoped this argument has been satisfactorily answered.

His second son, William Drummond, after having received all the instruction his father could afford, was put apprentice to sea, and, in due time became mate, and afterwards master, of a ship, of which he was also, latterly, part owner ;—he is represented to have been an intelligent, active, and worthy man, but his disastrous and premature death deprived the family of many advantages they might probably have obtained, had his life been longer spared, but his ship was unfortunately run down, at sea, on her passage to London, by another vessel, and the master and the whole of the crew were lost with the ship, and, what adds to the horror of this catastrophe, is the inhumanity, or rather the barbarity, shewn by the crew of the other vessel, who not only did not afford any succour to their sinking fellow creatures, but, on the contrary, absolutely accelerated their destruction, by beating off their hands with handspikes, while they were clambering and clinging to the sides of the surviving vessel, and imploring assistance to save their lives ;—it is lamentable to think that such an atrocity should have been committed under no better motive than an endeavour to screen themselves from punishment, and from the consequences that would most probably have ensued to them, for having, by their own culpable carelessness and neglect, caused the destruction of the other ship. These circumstances were not discovered till some time afterwards, when they were made known by a boy, who was one of the crew of the ship that did the mischief ;—steps were taken to bring the perpetrators to justice, but,

from lapse of time, and want of sufficient evidence, the attempt was unsuccessful.

The loss of William Drummond's life, great as the misfortune was, of itself, was not the only evil consequence resulting from this lamentable event, for it is feared he had with him, at the time, a number of family papers, and documents relating to the family, which had been gathered together, for the purpose of making search, and instituting an enquiry, as to how far the heirs of James Drummond (Duke of Perth) were intitled to the Perth Estates, (which had, a short time previously, been obtained (by what means will be discussed in another place,) by the person afterwards created Baron Perth), and all these papers and documents were lost with him. It will be seen, by the evidence of Mrs. Peters, that William Drummond had been in Scotland before, and had had an interview with Baron Perth on the subject, and was actively engaged in prosecuting enquiry, when his efforts were all rendered abortive by his untimely death.

His (James Drummond's) eldest daughter (who was his eldest child also) Ann Drummond, afterwards Ann Atkinson, was born at Biddick, and christened at the parish church of Houghton-le-Spring, on the 10th June, 1750.

This is the Mrs. Ann Atkinson, whose important and circumstantial evidence is hereunto annexed, and which has been of signal service in elucidating the history of the life and actions of her father, James Drummond, and his family ;—she is still living, and though now far advanced in the seventy-ninth year of her age, is in good general health, and in full possession of her faculties ;—she is rather deaf, but her recollection and memory, though certainly not so acute and quick as they may have been in her younger days, are nevertheless sound and good ;—she appears to be a person of good natural judgment and discrimination, and, though her early days must have been passed among persons in the lower ranks of society, yet her manners and deportment shew that she must have had intercourse with some of higher order, and the benefit she has derived from this, it cannot well be doubted, is to be traced to the example she had in the superior manners and demeanour of her father ;—the perusal of her testimony, on the present occasion, will manifest the fund of information she is possessed of, and when it is recollected that she is able to relate, from her own knowledge, the occurrences and transactions of times, more than seventy years back, it is difficult to appreciate the value of her testimony.

He (James Drummond) had a younger daughter, Elizabeth Drummond, afterwards Elizabeth Peters, who was born at Biddick, and christened at Painshaw Chapel the 10th June, 1764.

This is the Mrs. Elizabeth Peters, whose evidence, of the same description with Mrs. Atkinson's, is likewise hereunto annexed.—Mrs. Peters also is still living, and the same remarks that have been made with regard to Mrs. Atkinson, are equally applicable to Mrs. Peters, who, it will be observed, is now in the sixty-fifth year of her age.

James Drummond had other children; but as their history contains nothing immediately relative to, or bearing upon, the present case, it is not thought necessary to notice them more particularly.

Having now traced the history of James Drummond, Duke of Perth, from the time of his birth, down to that of his final and settled residence at Biddick, and shewn, satisfactorily, it is hoped, the course he pursued, and the particulars of his life and transactions, at every progressive stage and interval of that period, little seems necessary to be added, unless it be a recital of some occurrences that took place during his residence there, and which, though unfortunate and distressful at the time, have nevertheless, in their consequences, been of service to the cause, in furnishing much and valuable evidence in his favour, as to the great point of his identity.

The great and disastrous flood that took place in the river Wear, on the 17th November, 1771, and which inundated a large portion of the adjacent country, overflowed and carried away, in its ravages, the dwelling house of himself and his family (the boat-house before described) and put their lives to imminent hazard, and the ferryboat which had heretofore been instrumental in furnishing their subsistence, was now, fortunately, the means of saving their lives, for the family were carried out of the house in the ferryboat, which was of great service on the occasion, in saving the lives of many other persons.—The house was a ruin, and scarcely an article of furniture or property was saved;—among their furniture was a box or chest, in which was usually kept a tanned leather pouch, or bag, or paper case, with three pockets, wherein were contained his (James Drummond's) memorandum book, various family papers, letters, documents, writings, &c.—&c.—among which was a “Ducal Patent of Nobility,” as it was termed, when spoken of by him to the family,—and also a favourite diamond ring, &c.—all which things had belonged to the Drum-

mond family :—in the confusion of the moment these things were scattered about, and almost all lost, to the deep regret of James Drummond, who said they would have been of most essential service and importance, if ever the estates and honours should be restored to the family ;—he particularly regretted the loss of the Ducal Patent of Nobility, and so great was his anxiety after it, that he frequently, after the flood had subsided, wandered along the shores of the river, to see if chance might throw any of these things up again, and made all possible enquiries after them, but never could learn any thing.—There seems every reason to believe that the document above mentioned, was the original Royal Patent granted by King James II. at St. Germain, in France, to James Drummond, Fourth Earl of Perth, and his heirs male, creating him “DUKE OF PERTH,” as has been before related.

These circumstances are all minutely related, and distinctly proved, in the evidence of Mrs. Elizabeth Peters, and Mrs. Ann Atkinson, hereunto annexed ; and, although the loss of these documents is much to be deplored, yet their absence furnishes, as it were, a kind of negative proof, favourable to the present case and claim, as it fairly accounts for the paucity of documentary or written evidence that the claimant is able to produce on the present occasion ; and this paucity is still further accounted for, by recollecting, that even what was saved, after the flood in 1771, was afterwards lost, when the fatal accident happened to Captain William Drummond, who, as has been before stated, is supposed to have had with him, at the time, all the papers and documents that had escaped the wreck of 1771.

It appears, from the evidence of various persons, resident in England and Scotland, that James Drummond was induced, at a period of time many years (it would seem not much less than thirty) after the rebellion (1745) to take a journey to Scotland, for the melancholy purpose of taking a view of his long lost lands and his ancient domain ; and the better to accomplish this, without exposing himself to discovery or apprehension (for it seems, he was, to his dying day, fearful of being apprehended, long as the interval had been since his crime was committed), it was judged expedient that he should travel in some disguise, and, for that purpose, an old red coat, or soldier's coat, was procured by his wife, in Newcastle, and, thus attired, he set out on his journey, in the disguise, as the witnesses (his daughters, &c.) express it, “of an old beggar-man ;”—they saw him set out thus, and, after due time, they saw him return to Biddick, in the same dress, when he assembled

his family around him, and in bitterness of heart, lamented his forlorn and destitute situation, repeating to them that he was the Duke of Perth, and that they were his children and heirs, and, though he feared that he would not get his lands again; yet, at some future period, perhaps, his children might, and gave them much good counsel as to their future conduct and deportment in life;—he related many anecdotes of what had occurred to him when in Scotland, among the rest, that he had staid for some time with one Mr. Græme, a gentleman in whom he could confide, who made him put off his old red coat, and lent him another, which he put on, on which a lady, who was present, and who knew him well, exclaimed, “The Duke looks like himself now.”

These things are in proof, not only from the evidence of his daughters, &c. in England, who saw him set out, and return, as before stated, but also from the evidence of several persons in Scotland, who have the traditionary testimony from their ancestors, and precisely to the same effect.

The instances of demonstration, it may almost be said, that may be gathered from a perusal of the subjoined evidence, in regard to James Drummond’s identity, are so numerous, as to render it, in a great measure, superfluous to particularize them here; but a few may be noticed, in order to draw attention to them, as more particularly pointed and interesting. It appears from the evidence of Mrs. Ann Atkinson, that the late General Lambton, a gentleman of great power and influence in the County of Durham, and whose residence was very near to Biddick, also well knew James Drummond, and his history, and took occasion to say to him, one day, that he (Drummond) “was the *Rebel Drummond*, and that he (General Lambton) would have him *beheaded* ;”—these three expressions,—“Rebel—Drummond—”and—“beheaded,” contain a body of evidence that seems irresistible, as to his identity;—in the first place he is called “*Drummond*,” then further distinguished as the “*Rebel Drummond*,” and, lastly, and most important of all, is threatened that he should be “*beheaded* ;”—this last expression makes it manifest that the general knew his rank to be that of a nobleman (as he was commonly held to be), and that if he should suffer death, it would be by *decapitation*, the mode of execution used for nobility only. Mrs. Ann Atkinson also deposes to an expression nearly similar, made use of by Nicholas Lambton, of Biddick, Esq. to her father (James Drummond), whom he accosted in these words,—“I know you well enough,—you are one of the Drummonds, the Rebels, but I will give you the house and

“garden for all that;”—the house alluded to is the boat-house before mentioned, as having been bestowed on James Drummond, in pity for his destitute situation, when he came to Biddick.

Much interesting information may be derived from the history of the wounds James Drummond (Duke of Perth) received at the battle of Culloden (April 16th, 1746). It is related, in the evidence of William Mackintosh, from the testimony of his grandfather, Alexander Mackintosh, who (with a party of rebel forces, that were on the march, with the intention to join the grand army that day at Culloden, but were too late) came up with a considerable body of the rebels, among whom was the Duke of Perth, and several persons of distinction, who were on their flight from Culloden, where they had been utterly defeated by the King's army that morning, and the account Alexander Mackintosh gave, was, “that the Duke of Perth came galloping up on horseback, all besmeared with his own blood, which flowed from some wounds he had received in the *face* and *hands*, as though from the thrust of a spear, or some such weapon.”—The next place where we find James Drummond's wounds noticed, is in the letter before mentioned (dated 16th April, 1747) from his brother, Lord John Drummond, then at Boulogne, to James Drummond, at Biddick, and which contains (*inter alia*) this passage, “hoping that you have at last recovered from your wounds,”—&c.—But, perhaps, the most important part of the testimony derived from this account of his wounds, will be found in the evidence of his daughters, Mrs. Ann Atkinson, and Mrs. Elizabeth Peters, who both speak in strong terms of the scars and appearance of his person, from the effects of the injuries he had received;—the scars were very conspicuous;—that on his right hand must have been a desperate wound;—it was a cut, on the back of the hand, extending from the wrist to the middle finger, which, from the injury, had been rendered shorter than the next, or fourth finger, and Mrs. Atkinson deposes, that, on her asking her father “what had done that?” he replied,—“my dear, *I was wounded at the battle of Culloden*, and there was part of the bone taken out.”

The instances that might be adduced, from the Evidence and Depositions, tending to prove the strength and validity of this case, are almost innumerable; but it is presumed what has already been shewn will be found sufficient to convince even the most incredulous, and therefore it is deemed unnecessary here to say any thing more, than merely refer to the Proofs and Evidence

which have been obtained, for a full demonstration of the whole case, in all its particulars.

It may be permitted here however to remark the harmony and consistency that pervade the case throughout ;—persons from different parts of the Kingdom, in England and in Scotland, unknown generally to one another, unbiassed, unprejudiced, and unsolicited in any way, except to speak the truth, have come forward to give their testimony, and furnished a mass of evidence, consistent and uniform in substance, and corresponding and agreeing, almost to the letter, one with another ; and when the length of time that has elapsed, since the events they elucidate took place, together with the mystery and obscurity those events were purposely enveloped in, are considered, it is truly wonderful that such an accumulation of evidence, at this distance of time, should have been found.

James Drummond, Duke of Perth, continued his residence at Biddick till the time of his decease, which happened in the early part of the month of June, 1782, in the 70th year of his age, and he was buried at the Chapel of Painshaw, in the parish of Houghton-le-Spring, on the 10th June, 1782.

It may be proper, and not unimportant, to observe here, that James Drummond died *two years before* the Act, (24. Geo. III. Cap. LVII. 1784) for restoring the forfeited Estates in Scotland, was passed.

He was succeeded by his eldest Son and Heir, James Drummond, who was born at Biddick, and baptized at the Parish Church of Houghton-le-Spring, on the 9th August, 1752.

Having brought the history or memoir of the life of James Drummond to a close, as it appears to be borne out by the evidence adduced on the present occasion, it becomes necessary, according to the proposition before laid down, to exhibit the picture in another point of view, and shew what were the particulars and circumstances of his life, as they have been represented in history, or by report, tradition, or otherwise.

It may be premised, that the circumstance of the reported death of James Drummond, shortly after the battle of Culloden, does not appear to have been noticed, at least as far as has been ascertained, by the historians of the time, and seems not to have found its way into print until many years afterwards, when, there would seem reason to believe, such report was promulgated, by interested persons, to serve a particular purpose.

The only authors, in whose works the circumstance is mentioned, are the two before-named, viz. "Douglas's Peerage of Scotland," and "Dr. Malcolm's Genealogical Memoir of the House of Drummond,"—both of them works of comparatively modern origin.

First,—Douglas says,—“After the battle of Culloden, he (James Drummond) escaped to the coast of Moidart, where he embarked for France, but his constitution being quite exhausted by fatigue, he died on the passage, 11th May, 1746, just as he had completed his 33d year.”

Secondly,—Dr. Malcolm says,—“After the battle of Culloden, he embarked for France, but, by this time, his constitution being quite exhausted by the fatigues he had undergone, he died on the passage upon the 13th of May, 1746. His body was kept for some days, in expectation of making the land, but the winds continuing contrary, it was at last obliged to be buried in the sea.”

Before proceeding to comment severally on these two accounts, it must strike the reader that they disagree in the date of his death, Douglas making it on the 11th, and Malcolm on the 13th May, 1746;—the discordance is not much, certainly, but when such great authorities differ (and there is no other, as far as is known, to correct them by), it does engender somewhat of a suspicion that the account itself is not altogether to be relied on.

Douglas's account of the death is a mere naked assertion of a fact, unsupported by any evidence, proof, or authority whatever;—on what grounds, or on what authority, the assertion was made, cannot be gathered from the book, but, standing as it does, it is sufficient to say of it, that it is not, as a matter of history, fairly intitled to credit.

Dr. Malcolm, however, having gone much further in his account than Douglas, enables us to draw stronger conclusions, as to the facts of the case, than are to be found in the latter;—Douglas has only killed his patient, but Dr. Malcolm has also buried him, and, by so doing, has laid the account open to much stronger suspicion as to its accuracy;—the Dr. says, “his body was kept for some days, *in expectation of making the land*, but the *winds continuing contrary*, it was at last obliged to be buried in the sea.” The slightest attention to this most improbable account will shew the futility of it;—it will be recollected that these persons, so represented as on shipboard, were all rebels, and many of them of rank too, totally discomfited, flying to save their lives,

and surrounded with almost insuperable difficulties, one of the greatest of which was the difficulty, next to an impossibility, for them to get on board ship at all, the land being covered with soldiers, and the whole coast begirt with the King's ships, for the express purpose of watching for, and apprehending the rebels, and preventing their escape, which, under these circumstances, was rendered almost impossible; and yet we are gravely told, by Dr. Malcolm, that a number of these fugitives, having, somehow or other, surmounted all these difficulties, and got themselves put on shipboard, and in a way to escape to a place of safety, yet were ready and willing, nay anxious, it would appear, to abandon the place of comparative security they had gained, and re-land on the shores they had just, so miraculously almost, quitted, and from no other motive than that (however laudable and proper a one it might be, in a moral and abstract sense) of depositing the dead body of their departed friend and associate in the earth, instead of the ocean. Again,—it appears, from the same authority, that, during those some days, when they so hovered on the coast, the winds continued contrary for their making the land;—now, without pretending to much skill in seamanship, it may be assumed, that the wind, which was contrary for their *making* the land, must be fair for their escape *from* that land, and yet, it would seem, from Dr. Malcolm's account, that they waited some days for a wind, which if it had come on, must inevitably have blown them to destruction, for it is quite obvious, that, to re-land in Scotland, was to throw themselves into the very jaws of justice, and subject their own necks either to the axe or to the halter.

It is to be observed also, that the account given by Dr. Malcolm is as destitute of support, from evidence, proof, or authority, (unless, indeed, the Doctor's own authority be excepted) as Douglas's, and, therefore, on that ground also, no more entitled to credit.

Upon the whole, this story is made up of a mass of improbabilities, sufficient to demonstrate the futility of it, and is an anomaly too monstrous to be sustained for a moment.

It happens, fortunately for the present case, that there is another, and a further opportunity, by which Dr. Malcolm, in the account given in his book of James Drummond's death having taken place in 1746, may be confuted, out of his own mouth, and, fortunately again, the hand that administered the poison, has furnished the antidote.—Dr. Malcolm happens to be one of the

evidences brought forward in the present case, and it will be necessary to quote here a part of his deposition, and it is very important.

“ The Rev. David Malcolm, LL. D. maketh oath and saith, “ that he is a native of the County of Perth,—&c.—and is well “ acquainted with local accounts of neighbouring families, &c.— “ that a great part of the estates of Perth, and the castle of Drum- “ mond, which is the chief seat of the noble family of Drummond, “ are situated in Strathern, and therefore, he (Dr. Malcolm), out of “ respect to this ancient family, as well as from a natural taste to “ genealogy and biography, has always enquired into the particu- “ lars of this distinguished family,—&c.—and that he, in the year “ 1808, published a work intituled, ‘ A Genealogical Memoir of “ the noble and ancient House of Drummond, and of the several “ branches that have sprung from it,’—&c.—&c.—and that he pub- “ lished the said work from various manuscripts, particularly from “ a manuscript left by the Viscount of Strathallan, in 1681, which “ was laid before him (Dr. Malcolm) by the late Lady Clementina, “ Baroness of Perth, and the said Lady Perth having requested him to bring the family memoir down to the then present time, “ he did so, and filled in the account of the late James Drummond, “ commonly called the Duke of Perth, who was the son of James, “ the Master of Drummond, and the grandson of James, fourth “ Earl of Perth, from such materials as were given him, which, as “ far as related to the death of the said James Drummond, said to “ have taken place at sea, on the 13th May, 1746, from the wounds “ he received at the battle of Culloden, was not in accordance with “ the general reports in this district of Perth.—That he (Dr. Mal- “ colm) has occasionally heard that the said James Drummond, “ commonly called the Duke of Perth, survived that period, and “ that he some years afterwards visited his forfeited castle of “ Drummond, and estates in Strathern, disguised as an old beggar “ man, dressed up in a white or light coloured wig, &c.—&c.— “ And he (Dr. Malcolm) further saith, that he distinctly recollects “ being told by Mrs. Sommers, the daughter-in-law of Patrick “ Drummond, Esq. of Drummondernoch, the particular friend and “ companion of the said James Drummond, that the said Duke of “ Perth (as he was generally called in the Highlands) was seen “ skulking at Drummond castle, after the battle of Culloden, and “ remained there in the neighbourhood, in concealment, a consider- “ able time, and common report says, that he, the said James “ Drummond, afterwards came to Scotland, in the disguise of an

“old beggar man, in order to view his forfeited lands, and see his
 “tenantry, and that many of his trusty tenants saw him at the
 “time,—but, from prudent motives, he (Dr. Malcolm) made not
 “the slightest reference to these reports in his said work ; first,
 “because no peerage author had taken notice of it ; and, secondly,
 “because the matter itself was only interesting to a few, and, if
 “mentioned by him, might have given rise to illiberal criti-
 “cisms,” &c.

He (Dr. Malcolm) further says,—“That this fact is notorious
 “in the district of Strathern ; but he is of opinion that such of the
 “tenants who saw the said James Drummond at his last visit to
 “Strathern, disguised as aforesaid, must now be dead, and it may
 “therefore be difficult to get persons to swear that they heard their
 “father and mother, or other relatives, say so, for fear of offend-
 “ing Lord and Lady Gwydyr, who are now in possession of the
 “estates of Perth, and by their kindness to the tenants are very
 “popular with them.” And he (Dr. Malcolm) further saith, &c.
 —“that though he stated in his publication the supposed death of
 “the said James Drummond at sea, on the 13th May, 1746, from
 “the materials then laid before him, he shortly after contemplated
 “to republish the work, with a view to correct all former mis-
 “statements, and glaring genealogical errors of the noble family,
 “from facts which had transpired ; and, accordingly, in 1810, he
 “published proposals for a new and correct edition, &c.—but the
 “book being only interesting to the clan Drummond, it was not
 “generally patronized, and therefore the plan was dropped by
 “him.”

· Comment on these documents is scarcely necessary ;—a more
 complete disproof and refutation of all the dark transactions, and
 all the gross and glaring falsehoods (for such, beyond all doubt,
 they are) that have been circulated in Dr. Malcolm’s book, or other-
 wise, cannot well be looked for, or even wished for, than that
 which his own deposition now furnishes ; and it is painful to think
 that the reverend gentleman, recollecting the garb he wears, should
 ever have been induced to lend himself to such an imposition.
 The expressions used by himself in his deposition would go far to
 warrant an opinion, that he published an account, which he knew,
 at the time, to be a falsehood ;—at all events, and by his own
 shewing, he published, in the most unqualified way, as a fact, that
 which he had every reason to disbelieve. The course he has
 thought proper to pursue, however, with regard to his book,
 though it must shake his credit as a historian, nevertheless, in

some measure, now redounds to his honour, as a man; that is, one who, conscious that he has fallen (or rather, as in his case it would appear, *has been led*) into error, now comes forward to make atonement, by openly declaring the truth.

With regard to the Lady Clementina, Baroness of Perth, who, it appears, employed Dr. Malcolm, and furnished him with the materials for his romance, it is necessary to observe, that she was the relict of the person who, in 1785, obtained possession of the Perth estates, and who (in 1797) was created a British Peer.

Looking at the peculiar circumstances under which possession of the estates was obtained, it is not to be wondered at, that the Lady Perth should be desirous to throw a veil over transactions, which, if exposed to view, might possibly interfere with the question of right as to the possession of the estates, and, perchance, disturb the succession.

It is to be hoped, after this exposure, we shall hear no more about the death of James Drummond, the Duke of Perth, as having taken place in the month of May, 1746, unless it be to use the information that has been gained, as a weapon, to assist in enabling the true heir of the former proprietor to assert his rights, and cause the property, that has been obtained by such means as have been stated, to change hands, and revert, agreeably to the Act of Restoration, to the heir of the former owner.

Further and ample testimony, to prove the identity of James Drummond, is contained in the evidence before alluded to, and, assuming that point to be conceded, it becomes necessary to shew how it would affect the title to, and possession of, the estates and honours.

There seems fair ground to contend, that the Act 24. Geo. III. Cap. 57. Sec. 10. (1784) for restoring the forfeited estates, &c. is erroneous and ill founded, in more ways than have been represented in the foregoing discussion of that Act, under the head of observations on the circumstances and case of "*John Drummond*, taking upon himself the stile or title of Lord John Drummond," by *whose* Attainder, as the Act expresses (but this is denied) "the Estates of Perth became forfeited," &c.

Before going into a discussion on this point, however, it may not be improper to draw attention as to what were the views and object of Government, in framing and passing this Act, and a perusal of it will clearly shew, that it was the intention of the Crown to grant or restore the forfeited estates to the *heirs* of the former owners or proprietors *only*, and that they could not legally be

granted to any other person, for the Act says, (after reciting the former Acts under which the estates of certain traitors were forfeited, and annexed to the Crown, &c.) “Whereas, by the experience of many years since that time, it has been found, that no subjects in any part of his Majesty’s Dominions are more loyal or dutiful, or better affected to his Majesty’s Person and Government, than the Inhabitants of the Highlands of Scotland now are, many of whom, of all ranks and descriptions, have performed signal Services to their Country, in the late Wars between Great Britain and its Enemies, and more particularly the Heirs and Families of all or most of the said attainted Persons have been employed in the Service of their lawful Sovereign, and testified their Loyalty and Zeal upon all occasions, and therefore it is fit that they now receive some Mark of his Majesty’s Royal Mercy and Clemency ;—And whereas it is expedient that the said Estates be now disannexed, and restored to the Heirs and Families of the former Owners, upon the Payment of certain Sums on account of the Debts due by the forfeiting Persons, which were discharged by the Public, and under the other conditions herein-after mentioned,”—&c.—&c.—The Act then goes on to enact, “that it shall and may be lawful to his Majesty, &c.—to give, grant, and dispone,” &c.—accordingly.

It is to be remarked that in every case of restoration of estate recited in this act, (except in the case of the Estate of Perth), the specific name of the person, to whom the restoration is to be made, is mentioned, whereas, in the section or clause (X.) relating to the Estate of Perth, the act shews nothing but doubt and uncertainty ;—it sets out with giving an erroneous account (as, it is hoped, has been before made appear) as to whose attainder the estate became forfeited by, and then goes on to say, that it is not yet ascertained who is the nearest collateral heir male of the person named in the act.

Now it is contended, that the act is erroneous in a twofold way, and therefore, virtually bad, void, or ineffective, ab origine, (that is to say, as far as it relates to the Perth Estates)—First,—because it ascribes the forfeiture of the estates to the attainder of a wrong person,—and,—secondly,—because, even supposing, for a moment, that he were the right person,—the individual to whom the estates were granted, was not his legal heir. The clear inference to be drawn from this is, that the Estate of Perth ought to be considered as *still* vested in the crown, and remains to be granted or restored, *de novo*, to the legal male heirs of the House of Drummond, in

such way, and by such a new act, as Parliament, in its wisdom, may deem proper.

The Act (of Attainder) 19 Geo. II. (1746) recites,—that,—
 “James Drummond, taking upon himself the Title of Duke of
 “Perth;—John Drummond, taking upon himself the Stile or Ti-
 “tle of Lord John Drummond, Brother to James Drummond,
 “taking on himself the Title of Duke of Perth,”—(and divers
 other persons, named) “on or before the 18th Day of April, in
 “the Year 1746, did, in a traitorous and hostile Manner, take up
 “Arms, and levy War against his Most Gracious Majesty, within
 “this Realm, contrary to the Duty of their Allegiance, and are fled
 “to avoid their being apprehended and prosecuted according to Law
 “for their said Offences. Be it therefore enacted, by the King’s
 “most excellent Majesty, by and with the Advice and Consent of
 “the Lords Spiritual and Temporal, and Commons in this present
 “Parliament assembled, and by the Authority of the same, that
 “if the said James Drummond, taking upon himself the Title of
 “Duke of Perth,—John Drummond, taking upon himself the Stile
 “or Title of Lord John Drummond, Brother to James Drum-
 “mond, taking on himself the Title of Duke of Perth,”—(and the
 other persons named)—“shall not render themselves to one of his
 “Majesty’s Justices of the Peace on or before the 12th Day of
 “July, in the Year 1746, and submit to Justice for the Treasons
 “aforesaid, then every one of them the said—James Drummond,
 “&c. &c.”—(as before, naming all the persons) “not rendering
 “himself as aforesaid, and not submitting to Justice as aforesaid,
 “shall, from and after the said 18th Day of April, in the Year
 “1746, stand and be adjudged attainted of the said High Treason,
 “to all Intents and Purposes whatsoever, and shall suffer and for-
 “feit as a Person attainted of High Treason by the Laws of the
 “Land ought to suffer and forfeit,”—&c.—&c.

The plain and obvious conclusion to be come to, and a most im-
 portant one it is, in the present case, is,—that, *the Estate of Perth*
became forfeited by the Attainder of JAMES DRUMMOND,
taking upon himself the Title of Duke of Perth,—because—he was,
 under the said Act (19 Geo. II. 1746), charged with High Treason,
 and did not “render himself to a Justice of the Peace, or submit
 “to Justice,” on or before the 12th day of July, 1746, although
 then living, and for many years afterwards, and therefore, clearly
 “stood and was adjudged attainted,” according to the terms of the
 said Act. The natural consequence of all this is, that, at what-
 ever period of time a restoration of the Estates might be made, or

take place, it could not legally be granted otherwise than as the Estates having become forfeited by the *Attainder of James Drummond, taking upon himself the Title of Duke of Perth.*

There is still another way in which the Act (24 Geo. III. Cap. LVII. Sec. 10. 1784) for restoring the forfeited Estates, &c. may be construed, favourable to James Drummond, as heir, even under the erroneous way in which the Act stands, as asserting the forfeiture of the estates to have arisen from the attainder of John Drummond, and admitting also, that the assertion, being contained in an Act of Parliament, must be deemed absolute and conclusive, and superior to, and prohibiting contradiction, and which ought not to be, or cannot be disturbed or disputed, but must be taken for granted as the fact, and in the way it is expressed, yet, nevertheless, it may be contended, even under this construction, that James Drummond was the legal heir of John Drummond, because John Drummond having died without leaving Issue Lawful of his body, his elder (and only) Brother, James Drummond, being *still living*, was indisputably, and by all the laws of the land, John's heir. Therefore, let this act be construed in all the ways that ingenuity or sophistry can devise, it seems impossible to come to any other conclusion than this, that *James Drummond* was the legal heir to the estates, in whatever situation they might be placed, and if *he* was the heir, *his* heirs and successors must stand in precisely the same situation at this moment.

If these axioms be true (and that they are true, it is hoped the arguments and evidence adduced on the present occasion, prove, beyond the possibility almost of a contradiction), then have the present possessors of the estates obtained them wrongfully, and Justice now calls upon them to surrender them into the hands of those who are legally intitled to them.

It may further be remarked, that a careful perusal of the Act of Attainder (19 Geo. II. 1746), with a strict attention to dates, will it is presumed, afford another, and a strong argument, in favour of the hypothesis, as it may be termed, that James Drummond (called Duke of Perth) *did not die*, at sea or otherwise, on the 11th or 13th of May (for it has been represented both ways), 1746, as was reported;—the act was passed on the 4th June, 1746;—it charges, as has been before recited, that certain persons (James Drummond among the rest) had been engaged in rebellion, on or before the 18th April, 1746, &c.—and had fled to avoid their being apprehended, and enacts that if they did not surrender themselves to Justice, on or before the 12th July, 1746, they should

stand and be adjudged attainted of High Treason, &c. &c. The battle of Culloden took place on the 16th April, 1746, and James Drummond is said to have died about the 11th May following ;—now if his death did actually take place at that time, a period of some weeks must have ensued between that event and the time of passing the act, and, as witnesses were examined, both in the House of Lords, and House of Commons, to prove the guilt of the persons named in the Act or Bill of Attainder, during its progress through Parliament, and before it was passed, the circumstance of James Drummond's death, if it had really occurred, must have been well known to Government, and it is reasonable to infer, would have caused some alteration in the terms of the Act, for, as it stands now, the name of James Drummond is enrolled in it, in common with the other persons named therein, generally, as one among many living personages (for nothing appears to the contrary) who had fled to avoid being apprehended, &c.—whereas, if his death had taken place, he would most likely have been noticed in the Act (if, indeed, his name had been included in it at all) as *the late James Drummond*, or something of that sort, for it is an absurdity, almost to suppose, that Parliament, with this knowledge before it, would have gone the length in their proceedings, of attainting a dead man.

It having been shewn that James Drummond, commonly called Duke of Perth, who was concerned in the rebellion (1745, &c.), and fled, after the battle of Culloden, to avoid his being apprehended, was living on the 12th day of July, 1746, and was attainted of High Treason (by Act 19, Geo. II. 1746) from and after the 18th Day of April, 1746, whereby the Estate of Perth became forfeited, and was, by Act 20, Geo. II. (1747) declared to be vested in his Majesty, without any office or inquisition thereof hereafter to be taken or found, and without any Declarator of forfeiture to be obtained—&c.—It may be contended, that the said Estate of Perth still remains vested in his Majesty, notwithstanding the supposed grant of it, in 1785, to the late James Drummond, the father of Lady Gwydyr (whose husband, the present Lord Gwydyr, is, in her right, now in possession of the estate in question), because the Act 25, Geo. II. (1752) intituled—“An Act for annexing certain forfeited Estates in Scotland to the Crown unalienably ; and for making Satisfaction to the lawful Creditors thereupon ; and to establish a Method of managing the same ; and applying the Rents and Profits thereof, for the better civilizing and improving the Highlands of Scotland, and pre-

“venting Disorders there for the future.”—And the Act 24, Geo. III. Cap. LVII. (1784), intituled, “An Act to enable his Majesty to grant to the Heirs of the former Proprietors, upon certain Terms and Conditions, the forfeited Estates in Scotland, which were put under the management of a Board of Trustees, by an Act passed in the Twenty-fifth Year of the Reign of his late Majesty, King George the Second; and to repeal the said Act;”—under the provisions of which latter Act, his late Majesty, King George III. made the grant already referred to, to the father of Lady Gwydyr, do not affect the Estate of Perth, forfeited by the Attainder of James Drummond, taking on himself the Stile or Title of Duke of Perth, but only “the Estate of Perth, which became forfeited by the Attainder of John Drummond, taking upon himself the Stile or Title of Lord John Drummond, Brother to James Drummond, taking on himself the Stile or Title of Duke of Perth;” consequently, if the Estate of Perth, forfeited by the Attainder of James Drummond, was granted by his late Majesty to Lady Gwydyr’s father, under the provisions of an Act of Parliament, by which his said late Majesty was only enabled to grant the Estate of Perth, forfeited by the Attainder of John Drummond, such grant was made upon a false suggestion, and therefore the King may, by virtue of his prerogative, repeal his own grant, and, it is conceived, that when a grant is made to the prejudice of a subject (and in this case, the heir of the former owner of the Perth Estate is undoubtedly prejudiced, for it will be recollected that the Legislature, in the preamble of the Act 24, Geo. III. Cap. 57. (1784) declared it to be expedient that the estate should be restored to the heir of the former owner) the King is, of right, bound to permit him (the subject), upon his petition, to use the King’s name, for the repeal of the grant, at the King’s suit.

Considerable information relating to the Drummond family, and the estates and titles, and circumstances connected therewith, may be gained from a pamphlet, intituled, “The Detection of Infamy; earnestly recommended to the Justice and Deliberation of the Imperial Parliament of Great Britain. By an unfortunate Nobleman. With the Appeal of Charles Edward (Drummond), Duke of Melfort, &c. Heir Male, and chief Representative of the House of Drummond, of Perth, submitted to the consideration of the Two Houses of Parliament of the United Kingdom of Great Britain,” &c. 8vo. London, 1816.

Before entering into a detail of the particulars gathered from this pamphlet, it may be as well to premise, that the author of it is the person, calling himself "Count Melfort," (which, it is believed, is a French title, who, as it appears by her evidence (hereunto annexed), "waited on Mrs. Elizabeth Peters, some years ago, "and called her his 'cousin,' and inquired if she was possessed "of any family documents to shew him, as he said he had heard "of her rank, and supposed that she could assist him in his claims "for the restored family estates, which, as the nearest *male* heir, "undoubtedly belonged to him, and added, that he should gratefully reward her for her services;—upon which she let him know "that *he* could not be the nearest heir male, while her *brother*, "and his *sons*, were alive; as they were lineally descended from "James Drummond, commonly called the Duke of Perth, who survived the battle of Culloden, and who had afterwards married, "and had issue, and who himself had died only a very few years ago. The Count stood amazed at this intelligence, and frankly "acknowledged, that, till that *moment*, he had always believed "that *no male* issue of the Duke existed, though he had heard that "he had left daughters. The Count then took his leave, evidently "chagrined and disappointed."

It would seem that Count Melfort also, (like another person, who had, however, been more successful) had founded his claim to the estate of Perth, on the assumption that James Drummond had died, without leaving issue male.

It is understood that this person (Count Melfort) is a descendant (it is believed, great grandson) of John Drummond, the second son of James Drummond, third Earl of Perth, and the younger brother of James Drummond, fourth Earl of Perth (who was grandfather of James Drummond, commonly called Duke of Perth, who was engaged in the rebellion, 1745). The said John Drummond was born 8th August, 1650, and died in 1714. He was raised to the dignity of the peerage, by the title of Viscount Melfort on the 20th April, 1685, by King James II., and, by the same monarch, further dignified by the title of Earl of Melfort, &c. by patent, dated 12th August, 1686. He attached himself to the Stuart family, and, on the abdication of James II. attended him to France, and afterwards retired with him to St. Germain, where the abdicated monarch created him Duke of Melfort, as has been before alluded to herein, in the account of the third Earl of Perth.

Count Melfort, it would appear, is a Roman Catholic Priest, and officiated as such, at the Roman Catholic Chapel, in Moorfields, London, some years back ;—it is believed he is still living, but at a very advanced age, and resides in France, in the same capacity.

It would appear, from his dialogue with Mrs. Peters, that he founded his claim to the Perth Estates, on his being the nearest relation to the former owner, it not being generally known (or, at least, Count Melfort did not know) at that time, that there were in existence, in the descendants of James Drummond, commonly called Duke of Perth, individuals possessing a claim superior to his, and, indeed, to that of every other person.

It would seem from his own representations, that his exertions were, in a great measure, rendered abortive, from the want of funds, but, however this may be, there is reason to believe, that his adversaries or opponents perceived so much weight to exist in his claim, as to be induced to “buy him off,” and it has been reported, that he now subsists, in a great measure, on a yearly stipend or allowance, furnished to him by the successful party, or their friends, in order, to use a homely phrase, “to stop his mouth.”

Before proceeding, however, to analyze more particularly Count Melfort’s book, it may not be improper here to observe, that, if the account it gives, with regard to the way in which possession of the Perth Estates has been obtained, be correct, it proves, to a demonstration almost, that the whole transaction, from beginning to end, has been an imposture and a conspiracy throughout, and that, in such conspiracy, persons of high rank are implicated, and appear to have been participants in the spoil.

The account, or history, given in the book, is, in substance, as follows ;—it is, as the title implies, an appeal to the Two Houses of Parliament, and it “solicits Parliament to cause an investigation “to be made into the nature of his (Count Melfort’s) case, where- “from it may be collected whether he has not been deprived of his “legal inheritance by *the substitution of a spurious person to wrest “it from him ; and whether Parliament itself has not been imposed “upon, and thereby made the unintentional instrument to inflict “upon him so severe a stroke of injustice ?*

“The circumstances in which this case stands involved, are “certainly of rather an intricate nature, but not so intricate as to “require any thing more than a serious inquiry to ascertain the “truth.

“The degree of criminality which may attach to the conduct of a distinguished Nobleman, now no more, may appear of a deep and flagitious dye; but when it shall be considered, that in his life-time he was impeached for certain High Crimes and Misdemeanours, and that on the occasion of his trial, his very judges were divided in their opinions as to his guilt, there seems no reason to believe that he might not be prone to the perpetration of the flagrant act, which the subsequent statement presents a suspicion that he contrived and effectuated.”

Count Melfort then proceeds to give a short history of the Pedigree of the (Drummond) Family, which, as it agrees, in general, with that herein-before stated (excepting, always, the circumstance of the reported death, in 1746, of James Drummond, Duke of Perth, &c.), it is not necessary to repeat here, but it may not be improper to furnish some more particular account than has yet been given, as to who this James Drummond was, that did succeed (or, perhaps, it may be more suitable, on the whole, to say here, ought to have succeeded) to the possession of the Estates.

James Lundin, of Lundin, born 6th November, 1707, succeeded his father, 1735, was served and retoured nearest heir male and of provision to Edward Drummond (stiled Duke of Perth), 30th June, 1760, and nearest lawful heir male of James, fourth Earl of Perth, 15th May, 1766. He assumed the name of Drummond, and title of Earl of Perth, and died at Stobhall, 18th July, 1781, in his 74th year. He married Lady Rachel Bruce, third daughter of Thomas, seventh Earl of Kincardine, and by her, who died at Lundin, 29th June, 1769, had issue,

1. Robert Drummond, who died at Lundin, 10th May, 1758, æta. 17, and unmarried.

2. Thomas, stiled Lord Drummond, who was an officer in the army. He was at New York in 1776. He was taken prisoner by the Americans, but Washington gave him liberty to go back to New York on his parole. The climate being too cold for his weak constitution, he went to Bermudas, where he resided four years, and died there, in November, 1781, unmarried.

3. JAMES DRUMMOND, the only surviving son, born 24th September, 1744, had an Ensign's commission in the 66th Regiment of Foot, 1771, a Lieutenancy, in the same, 1775, and, in 1780, was appointed a Captain in the second battalion of the 42d, or Royal Scots Highlanders, which was then about being formed, and was destined for the East Indies.

This is the person who has commonly been designated by the name of the Honourable Captain James Drummond, and who (or else his *Personificator*, as Count Melfort expresses it in his book) obtained possession of the Estates of Perth, in 1785.

Count Melfort proceeds with the account in his book, as follows:—

“ This Honourable James Drummond, when he was made a Captain, was, (as almost every honest person in Scotland knew) in the last stage of a consumption, owing to wounds which he received some years before at Edinburgh, when he was attempted to be assassinated by some ruffians, who stabbed him with a knife, of which the point broke in, and was afterwards extracted from his breast.”

“ From this circumstance it was judged impossible for him to live long ; but, as the second battalion of the 42d Highlanders was destined for the East Indies, it was sedulously reported, that *he was gone thither*, notwithstanding the opinion of the physicians who attended him, that *he could not overpass the line.*”

“ This prognostication of the faculty seems to have been confirmed ; for, instead of going to the East Indies, he was debarked at Lisbon, and *there died*, as the following copy from the register of burials of the British Factory at Lisbon will testify.”

“ Certificate of Burial.”

“ Lord James Drummond, aged 35 years, was buried on the 13th of August, in the year 1780.”

“ I certify that the above is a faithful Extract from the said Register. Taken at Lisbon, this 14th of October, 1807, by me,
“ HERBERT HILL, M. A.”

“ His Britannic Majesty's Chaplain to the Factory at Lisbon.”

“ I, William Williamson, Vice-Consul to the British Nation in the City of Lisbon, do hereby certify unto all whom it doth or may concern, that the above Signature is of the proper Hand-writing of Herbert Hill, M. A. his Britannic Majesty's Chaplain for the British Factory at Lisbon, and that full and entire Faith and Credit are and should always be had and given in Court of Judicature or thereout.

“ Given under my Hand and Seal of Office at Lisbon, the 14th of October, 1807.

“ WM. WILLIAMSON, Vice-Consul.”

“ These certificates from Lisbon are further corroborated by the following extract from a book, No. I. containing (among other things) the register of burials of persons belonging to the British

“ Factory at Lisbon, from the 20th of August, 1721, to the 30th
 “ of December, 1793, and now remaining in the principal registry
 “ of the Archiepiscopal See of Canterbury, kept at the Vicar Ge-
 “ neral’s office, Doctor’s Commons.”

“ 1780. Burials.”

“ August the thirteenth, Lord James Drummond, aged thirty-
 “ five years.”

“ Examined with the original by me,

“ THO. CHARLTON.”

“ Clerk in the Vicar General’s Office.”

“ By these documents it appears certain, that JAMES, one of
 “ the sons of the Earl of Perth, went to Lisbon, died there, and
 “ was there buried on the 13th August, 1780, being of the age of
 “ thirty-five years; it is also certain that his disorder was a deep
 “ decline, and that he was the last son of the person called the
 “ Earl of Perth.”

“ But notwithstanding this plain proof of the real fact, there is
 “ some reason to suspect that other documents have been fabri-
 “ cated, or altered at Lisbon, with a view to defeat the decisive
 “ point, which the evidence of the death of the Honourable James
 “ Drummond (or Lord James Drummond) would establish, namely,
 “ that the late Lord Perth was a person *alieni generis*. For this
 “ purpose the documents in question affect to call the Honourable
 “ James Drummond, *Lord Drummond*, without any christian
 “ name. It is pretended, that he made some testamentary dispo-
 “ sitions, which he could not sign, by reason of his weakness, but
 “ were sworn to by his physician, Dr. Hare (*who is dead*), and other
 “ witnesses, (*who are also dead*);—that these dispositions were
 “ inserted in the books of the Vice Consulate at Lisbon, *but those*
 “ *books are missing*. So that no information can be had from them
 “ of the christian name of the pretended Lord Drummond.”—A
 note at the bottom of page 16 of Count Melfort’s book, expresses
 as follows:—“ It is to be considered, that whether stiled the Ho-
 “ nourable James Drummond, or Lord James Drummond, the de-
 “ scription of *James Drummond* relates to one and the same person,
 “ the difference merely being whether his father was designated
 “ *Earl* or *Duke* of Perth.

The account in the book proceeds thus:—

“ But whether the person who really died at Lisbon, in August,
 “ 1780, be denominated the Lord James Drummond, or Lord
 “ Drummond, the *distinction* becomes *immaterial*, as by the death
 “ of the said person, however described, it is *certain that with*

“ *him terminated the male line of the issue of the Earl of Melfort by his first wife Sophia Lundin.*

“ On this important occurrence the scene begins to open. It is almost in the remembrance of every one, that some time about 1783, the forfeited estates of Scotland were talked of, as being about to be restored to the families of their former owners; at which period, the only heirs remaining of the Family of Perth, were the Drummonds of the line of Melfort, then residing in France; but the death of the Honourable James Drummond (or Lord James Drummond) was not then made known, or the place of his burial, and though it began to be propagated, yet being unauthenticated, it was affected to be given out, *‘that he was gone to the East Indies with the 42nd Regiment, and was waiting his return with it.’*

“ Thus the British parliament, *uncertain to what person the Perth Estate should be restored*, under that degree of doubt, passed the Act 24. Geo. III. Cap. LVII. (1784) so often referred to herein.

“ Now in the year 1783, there was in the East Indies an officer named John or James Drummond, *an Ensign*, in the first battalion of the 73d Regiment of Highlanders; of this regiment, it is well known that the second battalion, which was at Gibraltar, was reduced or disbanded about the said year 1783, in order to be incorporated into the second battalion of the 42d Highlanders, and that the officers of the said second battalion of the 73d were put on half-pay, as appears from the army-list of the years 1785 and 1786.

“ In 1786, the said John or James Drummond was removed from the first battalion of the 73d Regiment before mentioned, and was placed on the half-pay of the second battalion of the same regiment, which second battalion, as before observed, became incorporated in the second battalion of the 42d Highlanders; but the said James was not put upon half-pay as an Ensign.”

“ About two years after, the name of James Drummond appears on the half-pay of the 71st Regiment, as having been a captain in the 42d, in which last-named regiment, the Honourable James Drummond, according to the printed army-list, had his name continued from 1780 to 1784. It, however, seems an irreconcilable point to consider this Captain *James Drummond*, and the Honourable *James Drummond*, as one and the same person;

“ for if no other circumstance was in the way, the Duke of Melfort has obtained a note from the War Office, which states, viz.

“ ‘ The *Honourable James Drummond*, Captain in the 42d Foot, was put on half-pay in the year 1786.’

“ ‘ In 1807, he was struck out of the half-pay list, as having not received the pay as such.’

“ From these particulars the conclusion which obtrudes itself is, that every artful endeavour was resorted to for the purpose of concealing, or involving in uncertainty, the death of the Honourable James Drummond at Lisbon, as before mentioned, in 1780, and for bringing forward *the person of substitution*, who was to claim the great and noble inheritance of the Perth Family.

“ The friends of the late Lord Perth of course must know *who was his legal Father*, and whether instead of *James* the son of James Drummond, of Lundin, he was not rather John, the son of Colin Drummond, of Megginch, and nephew to Adam Drummond, M. P. Excepting however for the infamy and injustice of the *false personification*, if such there was, the case at the present day is not changed, so far as relates to the Duke of Melfort's right of succession to the honours and estates of his family, for even supposing that the late Lord Perth *was truly the person he described himself, or was represented to be*; that he was the only surviving son of James Drummond, of Lundin, and not the son of Colin Drummond, of Megginch; that he was really the same Honourable James Drummond who, in 1780, was in so deplorable a state of health, as for his physicians to despair of his recovery, and who got the better of his deep decline in spite of their prognostications; and that he was not a red-haired man, but dark, as the Honourable James Drummond was known to be,—the right of the Duke of Melfort to the patrimony in question has not become altered.”

Here Count Melfort adduces arguments in support of his own right to the succession, but as they do not affect, and have no bearing on, the present case or question, it is quite unnecessary to quote them here.

At the bottom of page 19 of the book is the following note:—
 “ This Colin Drummond, of Megginch, had been Collector of the Cess (Excise) in Perthshire; was afterwards Deputy Paymaster of Quebec, and one of the Commissariat General in Canada. His elder brother, Adam Drummond, of Megginch, was a Member of Parliament, and *had the use of Drummond Castle*, where he resided from 1746, until the restoration of the estate

“by the Act of Parliament. By this circumstance, he had the
 “opportunity of possessing himself of the most material papers,
 “deeds, settlements, and documents, relating to the Perth Title
 “and Estates, and consequently of rendering them eminently use-
 “ful in the aggrandisement of his family; while his parliamentary
 “importance made him a fit person to be courted and accommo-
 “dated by those who, at the same time, could thereby serve their
 “own public and private interest.”

The Duke of Melfort proceeds.—“On this ground the Duke
 “of Melfort, according to the opinions of the most eminent Coun-
 “sel, both English and Scotch, namely, Sir Samuel Romilly, Mr.
 “Serjeant Best, Mr. Nolan, Mr. Henry Erskine, Mr. Dale,
 “Messrs. Matthew, Ross, Fletcher, Thompson, and others, is ad-
 “vised, that his claim is good, if attended to, and pursued in the
 “proper manner, and with adequate means.

“In support of the statement, that the entail and investiture of
 “the Perth Estates were to heirs male, the proofs are to be col-
 “lected from divers charters among the Public Archives of Scot-
 “land, at all times ready to be adduced.”

Extracts from some of these are subjoined.

“Upon the 11th day of October, 1687, James, the fourth Earl
 “of Perth, and Chancellor of Scotland, executed a settlement and
 “strict entail of his estate, and soon after, viz. on the 17th of No-
 “vember, 1687, a charter of ‘*novo damus*’ was granted to his son
 “Lord James Drummond, by King James II. in terms of the en-
 “tail, whereby the estate was settled upon the same series of heirs
 “to whom the title was soon after limited. The Earl likewise re-
 “signed his honours into the King’s hands, and of the same date
 “received a new patent to himself and his eldest lawful son and
 “his heirs male, whom failing, to the Earl’s other issue male, pro-
 “created, or to be procreated, whom failing, to the Earl’s brother-
 “german John Earl of Melfort, and his heirs male, whom failing,
 “to the heirs male of John the second Earl of Perth.

“After this another charter of ‘*novo damus*’ was granted to
 “James, fourth Earl of Perth, the Chancellor before mentioned;
 “this Charter is dated July 13th, 1688, and was upon record prior
 “to the Revolution in 1688, and now remains, unless *some parti-*
 “*cular persons, for sinister purposes, have caused the same to be*
 “*erased or withdrawn.*

“Under the recitement of the Act of Parliament (24 Geo. III.
 “Cap. LVII. 1784) for the restoration of the Perth Estates, the
 “Duke of Melfort cannot but feel a conviction of his legal right

“ thereto, and that it was in the principle of justice by which the
 “ British Parliament was induced to the said restoration, the un-
 “ doubted intention of the legislature to leave the inheritance of the
 “ said Estates to descend unto those heirs who by the charters of
 “ entail were nominated to succeed thereto.

“ The grant therefore which was made to the late James Drum-
 “ mond (afterwards Lord Perth) of the Estates *in fee* instead of
 “ in *tail male*, impresses the Duke of Melfort (as he is prone to
 “ believe it must every honest man) with a thorough sentiment, that
 “ Parliament would never have sanctioned a grant so contrary to
 “ the apparent meaning of the preamble of the benevolent act of
 “ the 24th Geo. III. before-cited, had there not been a misrepresen-
 “ tation made (and facts with-holden) with regard to the situation
 “ of the parties who were in truth those to whom the restoration
 “ ought to have been made, and so made, as to have fulfilled the in-
 “ tentions and directions of the original settlers of the said estates,
 “ the nature of whose investitures were *indeed pointed out by the*
 “ *preamble* of the benevolent act, but were entirely *negatived* by
 “ the subsequent clause in favour of the *heirs and assigns of such*
 “ *heir male* ; which amounted to a *grant in fee*.

“ It is to be observed, that in pursuance of the said Act of 24
 “ Geo. III. the right of succession opened to James Lewis Drum-
 “ mond, late Duke of Melfort, elder brother to Charles Edward,
 “ the present claimant ; but a person calling himself Captain James
 “ Drummond, and representing himself to be the *Honourable*
 “ James Drummond, only surviving son of James Drummond of
 “ Lundin, came forward as *that heir male*, who, according to the
 “ Act of restoration, was entitled to the inheritance of the Perth
 “ Estates.

“ The seclusion of the Duke of Melfort in France, and his utter
 “ ignorance that he had become the chief heir male of the Perth
 “ line, contributed much to the success of this Mr. Drummond’s
 “ substitution, who being supported by a very powerful patron,
 “ had no opponent capable to contend with him, or rebut his
 “ pretensions.

“ Under this state of the case it is evident that the wording of
 “ the Act of Parliament of the 24 Geo. III. so far as relates to
 “ the Perth Estates, viz.—to *heirs and assigns*, was surreptitiously
 “ introduced, and wilfully intended to operate against the true
 “ heir entitled to the succession, with a view to render the posses-
 “ sion, meant to be given to the person who afterwards obtained the
 “ same, so perfect, as to enable him to dispose of any part thereof

“for the remuneration of those who promoted, patronized, and
 “assisted him in the acquisition thereof, a purpose which *could not*
 “*have been effected*, had the said Estates been given back by Par-
 “liament to have been enjoyed according to the family entails by
 “*heirs male only*.

“Conclusion”—(by the Duke of Melfort, in his book.)

“My Lords and Gentlemen,

“The preceding statement is, with all due respect, submitted to
 “your candour; nothing more is requested than that you should
 “take the subject into your serious consideration, and do on the
 “occasion as to your wisdom may seem meet, and to your ideas of
 “equal justice may appear the most conformable.

“Under all the particulars of the case, an investigation seems
 “necessary to be had, in order that it may be ascertained, whether
 “the late Mr. John or James Drummond, alias Lord Perth, was not
 “spuriously substituted for the Honourable James Drummond,—
 “whether the British Senate was not imposed upon, by a misre-
 “presentation of facts, relating to the investitures and entail of the
 “Perth Estates, and by the suppression of information which might
 “have been, and ought to have been adduced, on that head,—
 “whether a deceased noble statesman was not accessory to the im-
 “postorship of Person, and all the concomitant malversations which
 “are suspected to have taken place on the behalf of Mr. John or
 “James Drummond as aforesaid,—and whether the said noble
 “statesman did not, in reward for his eminent services on the
 “occasion, obtain the Perth Estate of Duneira, near Drummond
 “Castle?

“It certainly has been reported that the noble Lord *bought*
 “the estate, as, also, that he *otherwise obtained* it; but the one
 “report is imagined to have been propagated for the purpose of
 “misleading the minds of indifferent persons, while the other is
 “believed to have originated in the genuine disposition of unbiased
 “people, inclined to speak the *real sentiments* of their minds,
 “‘conviction.’

“The purchase story seems to be founded upon the circumstance
 “that, when certain parts of the Perth Estate were offered for
 “sale, in order to raise the sum of £52,547. 1s. 6d. charged on
 “them by Government, there was a great demur on the side of
 “those who were disposed to become purchasers, by reason that the
 “estates were considered under a *strict entail*, and as such, the
 “power to sell was viewed in an equivocal light.

“To remove this obstacle, it is stated that the noble Lord put himself at the head of the *list of purchasers*, and thereby set an example for others to follow.

“But this specious countenance has not taken away the suspicion that the whole *was a trick* ; that the same was a *nominality of purchase*, without any *real consideration paid*, though the *consideration* might have been *previously performed*. Indeed, could it for one moment be deemed that the estate was acquired for an *absolute money consideration after a fair rate of value*, an awkward surmise might arise, as to the quarter from whence the said purchase money was obtained ;—the public mind has already had its suspicions, and the *purchase* of this estate would not render them the more unfounded.

“The Duke of Melfort is by no means disposed to make false insinuations against any man ; he scorns calumny, though he has suffered much under its effects from the spleen of his enemies ; but he feels it a duty he owes to himself, and to the honour of the very ancient and noble family of which he is the *heir male representative*, to assert in the face of the world those causes, which he, in strictness of truth, believes to have been surreptitiously and unjustly exercised against him, to the depriving him of his birth-right, to the slander of his reputation, and to the discredit of that Government, under which he looks upon himself entitled to the rights of a British subject.

“The Duke of Melfort does not call upon the Parliament of Great Britain to take upon itself the decision of his claim to the honours and estates of Perth, but only applies to them to make a revision of that act, which he considers to have been passed to his injury, under a most wicked attempt by his spoliators to pervert the pure course of parliamentary justice.

“The Duke, notwithstanding his sufferings, the distress his adversaries have occasioned him, and the ignominies they have cast upon him, yet looks up to the British Senate not to suffer the act in question to remain unreviewed. He then pins his faith in the national honour of that assembly to render him justice upon that point, without making any interference upon the nature of what other proceedings may be requisite for him to adopt, in order to establish his claim to the dignities and estates of Perth, but leaving the same open for him to pursue in such of the courts of Judicature as may be most proper to make a legal decision thereon.”

Here Count Melfort's book concludes.

Prefixed to the book is a genealogical table of the House of Drummond, wherein the person who obtained the estates, in 1785, is thus designated. "John alias James Drummond, Personificator of the Right of Descent and Heirship to the Perth Estates, on their Restoration in 1784, and *by favour somehow or other obtained the same*; created Lord Perth, and died in 1800," leaving issue—"Clementina, only Daughter, now wife of the Hon. Peter Robt. Burrel, who has taken the name of Drummond."

With regard to the credit due, or not due, to Count Melfort's statement in his book, not one word will here be said;—the substance of the book has been fairly laid down before the reader, who is left to form his own judgment on it.

JAMES DRUMMOND, eldest son and heir of James Drummond, commonly called Duke of Perth, was born at Biddick, and baptized at the parish church of Houghton-le-Spring, August 9th, 1752, and married at the Chapel of Painshaw, in the parish of Houghton-le-Spring, April 2d, 1776, Margaret Pearson, of the same parish.—He died on the 7th February, 1823, and was buried at the Chapel of Painshaw, on the 11th February, 1823.

His relict is still living.—They had several children, sons and daughters, of whom the eldest son is THOMAS DRUMMOND, the CLAIMANT, who was born April 3d, 1792, and baptized at the Chapel of Painshaw, in the Parish of Houghton-le-Spring, June 17th, 1792.

JAMES DRUMMOND was, as has been before stated, brought up in the employment of a "pitman," and followed the occupation to the time of his death, or as long as his health and strength would permit, and he seems to have imbibed the principle before mentioned as so predominant with pitman, of bringing up his sons to the same occupation, and they were so brought up accordingly.

It has been remarked before herein, that James Drummond (the father, or Duke of Perth) died two years before the passing of the act for the restoration of the forfeited estates; this, of course, precluded the possibility of his making any application for them;—but it may be asked,—why did his eldest son, James Drummond, not make application at the time?—This, at first sight, may seem rather a startling question, inasmuch as if he had come forward at the time, when complete evidence of his father's identity was at hand, there can be no doubt that his application must and would have been successful;—a little attention, however, to the circumstances and situation in which he was then placed,

will, it is hoped, remove any objection that may be made as to his apparent supineness;—secluded from the world, and, in a great measure, from the light of day,—thinking of nothing, and knowing nothing almost, but how he might best labour in his occupation for his daily subsistence,—out of the reach of knowledge of what was passing in the world at large, and hardly acquainted with the occurrences of the next village, it is not surprising that he should remain ignorant of public transactions, or affairs of the state, and the matter in which he was so deeply interested, was, undoubtedly, a state affair;—moreover, he was not in possession of a shilling more than was necessary to purchase the daily bread for himself and his family, and had no means of obtaining information, and, when the family did learn that the estates had been given to some person, the knowledge they possessed of the nature and state of the case went no further than this,—that they understood the estates had, by the offences of their father, become the property of the king, and that he might do what he would with them, and dispose of them as he pleased, and to whom he pleased;—added to this, James Drummond is understood to have been a person of timid and inactive disposition, and what is more, it would appear that he and the family were impressed with a strange and unaccountable notion, or rather a fatuity, that not only the life of their father, but the lives of the whole family, descendants and all, were in jeopardy, and liable to be sacrificed for his crime.—Under all these circumstances, it is not surprising that James Drummond should remain inert to the end of his life.

But it ought not to be inferred, from his dilatoriness, that he was indifferent to, or regardless of, the nature and object of his rights and his claim, but only that he, the heir male, and the person who, alone, could actually derive benefit from the concern, did not make himself, as it certainly would have been wise in him to have done, the prominent figure, as it were, in the necessary inquiries into the case, and become the prime mover and agitator of the question; whereas, it would seem, he contented himself with joining with the family generally, in a kind of association for prosecuting inquiry, for it is in proof, from the evidence, particularly that of Mrs. Elizabeth Peters, that the family never lost sight of the main question, but, on the contrary, have, at various times, and at all opportunities, exerted themselves, and left no means untried that were within their power, to discover the true state of the case, and recover their rights, if possible.

This is proved, beyond the possibility of doubt, by the evidence of Mrs. Peters, who states, with minuteness, the substance of a conversation she had with the late Lady Perth (relict of Lord Perth) and her daughter (the present Lady Gwydyr) at an interview which took place in London, several years ago, when the consanguinity of Mrs. Peters, and, a fortiori, the identity of James Drummond, her father, were not denied by the ladies.—A subsequent attempt, however, of Mrs. Peters, to obtain another interview with Lady Perth and her daughter was unsuccessful;—the applicant, on sending up her name, was told the ladies were “*not at home.*”—It is not difficult to assign a reason for this subterfuge being resorted to;—Mrs. Peters seemed likely to become, to use rather an uncouth phrase, a “troublesome customer” to the ladies, and it is a maxim held good in some families, that the sooner you can shake off your poor relations, the better.

Matters continued in much the same state until the death of James Drummond, which took place on the 7th February, 1823, and he was buried at the Chapel of Painshaw, on the 11th February, 1823. He left several children, sons and daughters, of whom the eldest son is THOMAS DRUMMOND, the CLAIMANT.

It is hoped satisfactory reason has been shewn why more active measures, with regard to the great family question, were not adopted in his (James Drummond’s) life-time.

THOMAS DRUMMOND,

THE CLAIMANT.

THOMAS DRUMMOND, eldest Son and Heir of James Drummond, last mentioned, Grandson of James Drummond, commonly called DUKE of PERTH; and Great Great Grandson, and Heir of Male and of Line, of JAMES, FOURTH EARL of PERTH:—was born April 3d, 1792, and baptized at the Chapel of Painshaw, in the Parish of Houghton-le-Spring, June 17th, 1792.

He is married, and has several children, sons and daughters;—his eldest son is named James Drummond, and he has a younger son, named John Drummond.

Thomas Drummond, shortly after the death of his father, and being, moreover, well aware of the nature and justness of his family pretensions, applied himself, as well as his very limited means and narrow circumstances would permit, to an investigation

and inquiry into the particulars and history of his family affairs, and his endeavours have been eminently successful, inasmuch as he has, with the assistance of a few friends, been enabled to collect a mass of materials, and a body of evidence, so strong, as to render his case irresistible, and, it is conceived, that nothing can defeat it, unless it can be shewn, *by absolute and positive proof*, that James Drummond, commonly called Duke of Perth, actually died on board ship, at sea, in May, 1746, as has been reported;—and such proof, though not an absolute impossibility, is so very nearly akin to it, as not to admit of any other construction.

In fine,—the essence of the case, as to the facts of it, may be comprised in a few words. The Attainder of the House of Drummond has never been reversed or removed, and the blood of the descendants remains contaminate to this hour. The Estate of Perth, forfeited by the Attainder, has never been given, granted, or disposed to the Heirs of the former Owner, agreeably to the intention of the Legislature, as expressed in the Preamble of the Act of Parliament for granting to the Heirs of the former Proprietors the forfeited Estates in Scotland. The Titles and Honours of the Earldom of Perth were never forfeited, but became dormant on the death (in 1716) of James Drummond, Fourth Earl of Perth, in consequence of the previous Attainder (by Act of Parliament, 1. Geo. I. 1715) of James Drummond, Esquire, commonly called Lord Drummond, his eldest Son, and Heir Apparent,—and they have ever since continued, and do still remain, dormant.

To express, briefly, the conclusion which, as it is hoped, has been shewn, ought to be come to, from this very long statement of facts and evidence, it may safely be asserted, that, unless the person, James Drummond, (Thomas Drummond, the Claimant's paternal Grandfather) who came to, and settled at Biddick, shortly after the rebellion, 1745, was, in name, in origin, and in character, and, in every sense of the word, an impostor, there cannot exist a shadow of doubt, that Thomas Drummond, his legitimate Grandson, is the legal, lineal Heir Male to the Estates and Honours of the Earldom of Perth; and, in common justice to the memory and name of James Drummond, it is further asserted, without fear of contradiction, that, as far as is known, or has ever been heard of, there never existed the slightest suspicion, nor ever was uttered the slightest imputation, of any thing of the kind, against either himself, or any of his family.

[The Proofs and Evidence remain in Manuscript.]

*Title
dormant only
since 1716.
May 1716.*

You will be pleased to peruse and consider the foregoing statement and observations, together with the proofs and evidence annexed, and give your opinion, as well on the case, generally, as on the particular questions asked.

1st. Is it advisable that the claimant, Thomas Drummond, should, in the first instance, endeavour to procure himself to be served Heir Male of James Drummond, commonly called Duke of Perth, who fled, after the battle of Culloden, as above stated; and upon the Execution of a Brieve, issued for that purpose, would such Evidence, as it appears by this Case, the Claimant can adduce, be received;---and if, and when received, would it be sufficient to establish such claim of service, assuming that the reported death of the said James Drummond, commonly called Duke of Perth, in May, 1746, cannot be proved?

2nd. Are the circumstances of this Case, and the nature of the Evidence, as set forth in the foregoing statement, such as to justify the claimant, Thomas Drummond, in taking immediate steps,---and, if yea, what steps ought he to take, to procure the intentions of the Legislature, as expressed in the preamble of the Act 24, Geo. III. Cap. LVII. (1784) to be carried into effect, in favour of him, as Heir Male of the said James Drummond, commonly called Duke of Perth, the former Owner of the Perth Estates, by whose Attainder they became forfeited;---bearing in mind, that those Estates were, under the provisions of that Act (declaring them to have become forfeited by the Attainder of *John Drummond*), granted, by his late Majesty, King George III. to the father of Lady Gwydyr, who had been found, by a Decree of the Court of Session, to be the nearest heir male of the said John Drummond;---or what course, adverting to such circumstances, and evidence; and also, to such Decree of the Court of Session, and the Grant made, by the late King, to the father of Lady Gwydyr, ought the present Claimant to pursue, to substantiate his claim to, and obtain possession of the Perth Estates?

[N. B. The above questions for Counsel are suggested, but, of course, may be varied, altered, or rejected altogether, and others substituted, at the discretion of the Solicitor to whom may be assigned the submitting of this Case to Counsel.]



"*Earldom of Perth*.---On Monday, the 20th of June, 1831, at the Canongate Court Room, Edinburgh, Thos. Drummond, of Biddick, in the county of Durham, grandson and heir male of the body of James, Sixth Earl of Perth, commonly called "*Duke of Perth*," was, by a respectable jury, unanimously served nearest and lawful heir male of his deceased great grand uncle, *Lord Edward Drummond*, who took upon himself the title of Earl of Perth, and who was the youngest and last surviving son, and last heir male of the body, of James, the Fourth Earl of Perth. The circumstances connected with this claim are said to be of the most interesting nature." *Edinburgh Newspaper*.

NEWCASTLE: RE-PRINTED BY MACKENZIE AND DENT.

<i>for James Sixth Earl of Perth</i>	<i>read James Drummond</i>
<i>Lord Edward Drummond</i>	<i>Edward Drummond</i>
<i>and last heir male of the body</i>	<i>nothing</i>

1715

James Lord Drummond, eldest
son and apparent heir male of
James 4th Earl of Perth,
attainted

1716 May 11 James 4th Earl of Perth died

The Titles of Earl of Perth &c. having
been limited to him male, and Lord
Drummond the apparent heir male having
by his attainder in 1715 become incapable
of succeeding to the Titles on the death of
his father in 1716, they are dormant - p. 53

- Dormant in 1716. The next heir to the Titles in
consequ^{ce} of Lord Drummond's incapacity was the Hon^{ble} John
Drummond - the 5th Earl - second son of James the 4th Earl by his
Countess, Lillias Drummond, and after him who died in 1757
without issue the Hon^{ble} Edward Drummond - the 6th Earl - the
youngest son of James the 4th Earl by his Countess, Lady Mary Gordon,
and after him who died in 1760 leaving no issue James Drummond
- the 7th Earl - the eldest son of the aforesaid Lord Drummond and
the 6th Earl's nephew, who was attainted in 1746. -

[The page contains approximately 25 lines of extremely faint, handwritten text in cursive script. The ink is very light and the handwriting is difficult to decipher. The text appears to be a continuous paragraph or a series of connected notes.]

EARLDOM OF PERTH.

SUBSCRIPTIONS

TO ENABLE

MR THOMAS DRUMMOND,

OF PENSHAW, IN THE COUNTY OF DURHAM,

(GRANDSON of James Drummond, Sixth Earl of Perth, commonly called "Duke of Perth," who was attainted of High Treason, for having joined in the Rebellion, in 1745, and whose Estates were forfeited,) to further prosecute his Claim, founded on the most conclusive and incontrovertible Evidence, to the Honours and Estates of the Earldom of Perth; and to follow up the important Decision given in his Favour, before the proper Tribunal, at the Canongate Court Room, Edinburgh, on the 20th of June, 1831, by which he,—“Thomas Drummond, of Biddick, in the County of Durham, Grandson and Heir Male of the Body of James, Sixth Earl of Perth, commonly called “Duke of Perth,” was, by a respectable Jury, unanimously served nearest and lawful Heir Male of his deceased Great Grand Uncle, Lord Edward Drummond, who took upon himself the Title of Earl of Perth, and who was the youngest and last surviving Son, and last Heir Male of the Body of James, the Fourth Earl of Perth;”—will be received by Sir Thomas Christopher Banks, Bart., N. S., 53, Parliament Street, Westminster;—Ephraim Lockhart, Esq., Writer to the Signet, Pitt Street, Edinburgh;—Robert Henry Allan, Esq., Solicitor, Durham;—Henry Ingledew, Esq., Solicitor, Dean Street, Newcastle upon Tyne;—and at the Banking House of Messrs. Chapman, Newcastle upon Tyne.

Newcastle upon Tyne, }
August, 1832.



